

Mille Lacs Band Police Department Operations Manual

Effective - October 1, 1997
Updated – August 28, 2015

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MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

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MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

INTRODUCTION

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

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

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

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

This Operations Manual has been divided into the following chapters:

CHAPTER 1: POLICY STATEMENTS

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

CHAPTER 2: POSITION DESCRIPTIONS

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

CHAPTER 3: GENERAL ORDERS AND PROCEDURES

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

CHAPTER 4: SPECIAL ORDERS - MEMORANDA

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

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

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

CHAPTER 1

POLICY STATEMENTS

SECTION 100: GENERAL PROVISIONS

100.1 GLOSSARY

1. POLICY

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

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

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

2. VALUE

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

3. OBJECTIVE

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

4. GOAL

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

5. PRINCIPLE

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

6. PROCEDURE

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

7. RULE / ORDER / GENERAL ORDER / SPECIAL ORDER

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

SECTION 101: OBJECTIVES

101.1 MOTTO OF THE DEPARTMENT

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

101.2 PRIMARY OBJECTIVE

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

101.3 FUNCTIONAL OBJECTIVES

1. PREVENTION OF CRIME

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

2. DETERRENCE OF CRIME

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

3. APPREHENSION OF OFFENDERS

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

4. RECOVERY AND RETURN OF PROPERTY

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

5. MOVEMENT OF TRAFFIC

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

6. PUBLIC SERVICE

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

101.4 RESOURCE OBJECTIVES

1. POLICE DEPARTMENT PERSONNEL

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

2. UTILIZATION OF RESOURCES

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

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

102.1 LAW ENFORCEMENT CODE OF ETHICS

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

An Officer's fundamental duty is to serve humankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all.

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

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

102.2 LOYALTY

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

102.3 CONDUCT UNBECOMING AN OFFICER

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

102.4 RESPECT FOR CONSTITUTIONAL RIGHTS

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

102.5 USE OF FORCE

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

102.6 INTEGRITY

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

1. GRATUITIES

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

2. SOLICITATIONS

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

102.7 COURTESY

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

102.8 COMPLIANCE WITH LAWFUL ORDERS

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

102.9 USE OF INTOXICANTS

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

102.10 ATTENTION TO DUTY

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

102.11 FINANCIAL OBLIGATIONS

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

102.12 REFUSAL TO WORK

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

102.13 EMPLOYEE GRIEVANCES

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

102.14 COMMENDATIONS

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

102.15 DISCIPLINE

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

102.16 RELIGIOUS ACTIVITY

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

102.17 RESPONSIBILITY OF ON-DUTY OFFICERS

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

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

102.18 RESPONSIBILITY OF OFF-DUTY OFFICERS

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

102.19 NO PEACE OFFICER AUTHORITY OUTSIDE OF MINNESOTA

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

102.20 OFF-DUTY WEAPONS

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

SECTION 103: LAW ENFORCEMENT - COMMUNITY INTERACTION

103.1 GENERAL PROVISIONS

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

103.2 INDIVIDUAL DIGNITY

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

103.3 ROLE OF THE INDIVIDUAL OFFICER

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

103.4 EQUALITY OF ENFORCEMENT

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

103.5 RESPONSIVENESS TO THE COMMUNITY

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

103.6 OPENNESS OF OPERATION

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

103.7 INTERPERSONAL COMMUNICATIONS

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

SECTION 104: COMMUNITY AFFAIRS

104.1 NEWS MEDIA RELATIONS

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

104.2 LABOR DISPUTES AND DEMONSTRATIONS

1. OFFICER'S ROLE

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

2. NECESSITY OF OFFICER'S IMPARTIALITY

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

3. NECESSITY OF ENFORCEMENT OF LAWS

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

104.3 LIAISON WITH CRIMINAL JUSTICE SYSTEM

1. COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES

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

2. PROFESSIONAL ASSOCIATIONS

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

SECTION 105: LAW ENFORCEMENT OPERATIONS

105.1 NATURE OF THE TASK-OFFICER DISCRETION

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

105.2 POLICE ACTION BASED ON LEGAL JUSTIFICATION

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

105.3 SPEED ENFORCEMENT

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

105.4 ALTERNATIVES TO PHYSICAL ARREST, BOOKING OR CONTINUED DETENTION

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

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

105.5 CALLS FOR SERVICE

1. PROFESSIONAL STANDARD OF SERVICE

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

2. PRIORITY OF HANDLING CALLS FOR SERVICE

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

3. GOOD JUDGMENT/DISCRETION

It is understood that Officers may use discretion when handling calls for service. Discretion may be limited due to the nature of the call. Officers will use good judgment in those cases where discretion is utilized and an arrest/citation is not made or issued. If it is found that good judgment was not utilized, Officers will be in violation of this policy.

105.6 SCOPE OF PRELIMINARY INVESTIGATION

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

105.7 CIVIL DISPUTES

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

105.8 FIELD SUPERVISION

Since emergency situations occur without warning, and duration is often brief, Officers must frequently make critical decisions without the benefit of on-the-scene direction. In most of these operations, however, supervision is available and necessary to provide guidance and training. Supervision gives coherence to the Officer's task and directs the energies of the department into an organized effort. Proper supervision is essential to maintain a professional level of competence in Law Enforcement operations. When a supervisor arrives on-scene he assumes the responsibility of ensuring the call is handled in a thorough and professional manner. A supervisor may coordinate and direct the activities of all officers at the scene until call completion.

105.9 COMMAND RESPONSIBILITY AT LAW ENFORCEMENT SITUATIONS

Except as otherwise provided in policy, command of the Police Department's resources in a Law Enforcement situation rests with the primary officer or a supervisor, if the Primary Officer is relieved. The Primary Officer has the authority to direct the operation and is responsible for the outcome if there is no supervisor on-scene.

105.10 CRIME SCENE SUPERVISION

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

105.11 FOLLOW UP INVESTIGATION

1. INVESTIGATION OF REPORTED CRIMES

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

2. ALLOCATION OF RESOURCES TO FOLLOW UP INVESTIGATIONS

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

105.12 INFORMANTS

1. USE OF INFORMANTS

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

2. INFORMANT'S IMMUNITY FROM PROSECUTION

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

3. INDIVIDUAL OFFICER INFORMANT RESPONSIBILITIES

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

105.13 CONDUCT OF UNDERCOVER OFFICERS

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

105.14 ELECTRONIC SURVEILLANCE

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

105.15 IMPENDING RIOT OR MAJOR DISTURBANCE

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

105.16 DEMONSTRATIONS

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

105.17 USE OF FORCE

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

105.18 USE OF FIREARMS

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

105.19 POLICE VEHICLES

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

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

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

105.20 USE OF CHEMICAL MUNITIONS

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

105.21 HOSTAGES

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

105.22 OFFICERS SURRENDERING WEAPONS

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

105.23 BARRICADED SUSPECTS

1. TACTICAL PLAN

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

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

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

2. SUPERVISION AT SCENE OF BARRICADED SUBJECT

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

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

105.24 DEPLOYMENT IN ANTICIPATION OF THE COMMISSION OF A CRIME

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

105.25 TRAFFIC ENFORCEMENT

1. OBJECTIVES

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

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

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

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

2. VIOLATOR CONDUCT

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

3. SELECTIVE ENFORCEMENT

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

4. VISIBLE PATROL

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

5. UNIFORMITY

Each Officer should reasonably and uniformly enforce traffic laws.

6. ACCIDENT INVESTIGATION

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

105.26 NARCOTIC INFORMATION

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

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

CHAPTER TWO

POSITION DESCRIPTIONS

SECTION 200: CHIEF OF POLICE

200.1 MAJOR OBJECTIVES

To protect the public and address the law enforcement needs of the community; adopt and employ effective crime prevention and community policing model(s); maintain law and order; address systemic public safety issues; prevent, detect and investigate crime; enforce traffic, criminal, and other laws of the Band and State; apprehend criminal suspects; establish policy and procedure for the department; establish structure to properly train and supervise department personnel; and perform other functions relative to a rural Law Enforcement agency.

200.2 AREAS OF ACCOUNTABILITY

1. ADMINISTRATION

The Chief of Police will:

- a. Coordinate the activities of Police Officers and other department personnel in accordance with Band statutes and authority delegated by the Band Assembly;
- b. Provide a commensurate level of law enforcement services to each District, and pursue the execution or ensure the maintenance of beneficial law enforcement agreements;
- c. Promulgate policies, rules and regulations of the department;
- d. Develop an American Indian recruitment program and enforce American Indian preference in hiring and promotion decisions in accordance with Band directive as articulated by the Solicitor General;
- e. Assume overall responsibility for efficiency and discipline of workers under this command;
- f. Enhance the visibility of officers in residential neighborhoods through increased personal interaction and foot patrols when practicable;
- g. Oversee employee performance evaluations and prepare and maintain files concerning employee performance;
- h. Administer disciplinary action as delegated by department policy manual, conduct disciplinary hearings and take disciplinary actions;
- i. Assist and work with governmental employees to examine and prepare operating budget for the department;
- j. Implement and sustain a community service officer program;
- k. Read and answer police correspondence;
- l. Prepare or amend the Mille Lacs Band Police Operations Manual and submit for approval to the Solicitor General's Office;
- m. Establish and maintain police record-keeping system to ensure ready retrieval and exchange of information with state, local, tribal and Federal law enforcement agencies in accordance with the Minnesota Data Practices Act; and
- n. Review information to determine whether data release is in accordance with policy or law.

2. COMMUNITY RELATIONS

The Chief of Police is responsible for:

- a. Corresponding regularly with elected and appointed officials regarding the general strategy and activities of the department;
- b. Establishing rapport with groups and individuals to identify and resolve complaints, problems and needs;
- c. Consulting with other public service providers and groups to determine community needs and take appropriate action;
- d. Initiating, supervising and coordinating activities with members in an ongoing attempt to resolve community social problems and promoting understanding of police functions within the community; and
- e. Maintaining an active dialogue with elders concerning the appropriate direction of public safety, and engaging the youth in activities and programs intended to instill respect and lawful behavior.

3. SUPERVISORY

Supervisory responsibilities include:

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

4. LAW ENFORCEMENT

Law enforcement responsibilities include:

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

200.3 ACCOUNTABILITY

The Chief of Police will conscientiously comply with the preceding terms, conditions and requirements of employment to the extent reasonably possible. The Chief of Police will not be responsible for a failure to comply that derives from a lack of necessary funding or resources, unless such deficiency directly results from the action or inaction of the Chief of Police. The Solicitor General may inform the Chief of Police of any perceived compliance issues by written notice, which will be personally delivered to the Chief of Police. In such an event, an informal meeting between the Solicitor General and Chief of Police will occur within ten (10) calendar days of serving the notice, and the parties will diligently attempt to resolve the outstanding issues. If deemed potentially useful, the Solicitor General may extend the Chief of Police an opportunity to achieve or restore meaningful compliance within thirty (30) calendar days of the informal meeting. The Chief of Police may request in writing a thirty (30) calendar day extension prior to the expiration of the preceding timeframe by demonstrating good cause to the Solicitor General, who retains sole discretion to grant or deny such request. Following conclusion of the informal procedure, the Solicitor General may proceed to undertake disciplinary measures and/or initiate a formal complaint in accordance with General Order 302 and/or 303 due to the presence of unresolved issues. An external agency will perform investigations necessitated by the filing of a formal complaint. The Solicitor General also may choose to bypass the informal procedure if warranted under the circumstances.

SECTION 201: DEPUTY CHIEF OF POLICE

201.1 MAJOR OBJECTIVES

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

201.2 AREAS OF ACCOUNTABILITY

1. ADMINISTRATION

The Deputy Chief will:

- a. Coordinate the activities of Police Officers and other department personnel in accordance with Band statutes and authority delegated by the Band Assembly;
- b. Promulgate policies, rules and regulations of the department;
- c. Assume overall responsibility for efficiency and discipline of workers under their command; School Resource Officer, Community Service Officer, and Emergency Management staff.
- d. Oversee employee performance evaluations of those under their command, including preparing, and maintaining files concerning employee performance.
- e. Administer disciplinary action as delegated by department, and Band policy manual, conduct disciplinary hearings and take disciplinary actions;
- f. Assist, and working with the Chief of Police to examine and prepare operating budget for the department;
- g. Read, and answer, police correspondence;
- h. Assist the Chief of Police in preparing or amending the Mille Lacs Tribal Police Operations Manual for submission, to the, Office of the Solicitor General.
- i. Establish, and maintain, police record keeping system to ensure ready retrieval and exchange of information with state, local, tribal, or federal enforcement agencies in accordance with the Minnesota Data Practices Act.
- j. Review information to determine whether release is in accordance with policy and law.
- k. Assume the responsibilities of the Chief of Police during his/her absence.
- l. Perform grant writing and grant reporting for the agency.
- m. Oversee the Administrative Forfeiture Process.
- n. Oversee the Department's training to ensure personnel are meeting their POST requirements; and,
- o. Oversee the processing of evidence and, upkeep of the evidence room.

2. COMMUNITY RELATIONS

The Deputy Chief is responsible for:

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

3. SUPERVISORY

Supervisory responsibilities include:

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

4. LAW ENFORCEMENT

Law enforcement responsibilities include:

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

SECTION 202: SERGEANT OF POLICE OFFICERS

202.1 MAJOR OBJECTIVES

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

202.2 AREAS OF RESPONSIBILITY

1. ADMINISTRATIVE

The Sergeant of Police Officers will:

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

2. COMMUNITY RELATIONS

The Sergeant of Police is responsible for:

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

3. SUPERVISORY

Supervisory responsibilities include:

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

4. LAW ENFORCEMENT

Law enforcement responsibilities include:

- a. Notify state and county authorities of major crimes or disturbances within the area and take appropriate action if requested to do so;
- b. Establish good working relationship with other Law Enforcement agencies and assist those agencies if requested to do so;
- c. Patrol Reservation community to control traffic, prevent crime or disturbances of the peace and to arrest violators;
- d. Must be familiar with area residents and community needs;
- e. Render first aid at accidents and investigate;

- f. Issue tickets to violators, locate, interview and record eyewitness accounts of violations;
- g. File facts and reports for possible use in civil or criminal courts;
- h. Investigate criminal cases which involve violations of federal, state, local or Tribal laws;
- i. Analyze charge, complaint or alleged violation to identify issues and jurisdictional area and evidence;
- j. Develop and use informants in accordance with this policy to obtain information and evidence;
- k. Conduct surveillance of persons and area if warranted;
- l. Use camera, telephones and other equipment to record facts and evidence;
- m. Prepare and present findings and progress of investigations in properly documented reports;
- n. Prepare or obtain search warrants and execute; and
- o. Lead, direct or assist Officers in investigative follow-up.

5. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

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

SECTION 203: INVESTIGATOR

203.1 MAJOR OBJECTIVES

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

203.2 AREAS OF ACCOUNTABILITY

1. LAW ENFORCEMENT

Law enforcement responsibilities include:

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

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

2. COMMUNITY RELATIONS

The Investigator is responsible for:

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

3. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

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

SECTION 204: POLICE OFFICER

204.1 MAJOR OBJECTIVE

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

204.2 AREAS OF RESPONSIBILITY

1. LAW ENFORCEMENT

Law enforcement responsibilities include:

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

2. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

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

SECTION 205: SCHOOL RESOURCE OFFICER

205.1 MAJOR OBJECTIVES

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

205.2 AREAS OF RESPONSIBILITY

1. COMMUNITY RELATIONS

The School Resource Officer is responsible for:

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

2. LAW ENFORCEMENT

Law enforcement responsibilities include:

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

SECTION 206: TRIBAL POLICE BAILIFF

206.1 MAJOR OBJECTIVE

Is responsible for maintaining the security in the courtroom within the Court of Central Jurisdiction and delivering or serving , in-person, legal documents to defendants or individuals involved in a court case.

206.2 AREAS OF RESPONSIBILITY

1. BAILIFF

- a. Prepare courtroom for scheduled and emergency hearings.
- b. Manages courtroom during proceedings and provides general services in the courtroom.
- c. Obtains court files for defendants appearing in Court and makes copies of material, when necessary.
- d. Maintains order in the courtroom; secures court in emergencies.
- e. Assists visitors and jurors with explanation, directions and instructions.
- f. Assists witnesses and attorneys during courtroom proceedings.
- g. Responds to routine questions related to forms, courtroom rules and regulations.
- h. Escorts witnesses, visitors and jury members to and from the courtroom, when necessary.

2. PROCESS SERVER

- a. Conduct investigations on individuals and cases to obtain various forms of information regarding service of process for court cases and notices of hearings.
- b. Serve documents in accordance with the legislation of service, whether it is personally serving the defendant or sub-serving to someone in the same household or business.

- c. Upon delivery of documents, the incumbent must provide proof the papers were served, via Affidavit of Service or Proof of Service.
- d. Enter all pertinent information and notes into tracking system.
- e. Performs other related duties as assigned.

3. LAW ENFORCEMENT

- a. Notify state and county authorities of major crimes or disturbances within the area and take appropriate action if requested to do so.
- b. Establish good working relationships with other Law Enforcement agencies and assist those agencies if requested to do so.
- c. Patrol Reservation communities to control traffic, prevent crime or disturbances of the peace and to arrest violators.
- d. Must be familiar with area residents and community needs.
- e. Investigate and render first aid at accidents.
- f. Issue tickets to violators, locate, interview and record eyewitness accounts of crimes and violations.
- g. File facts and reports for possible use in civil and criminal cases.
- h. Investigate criminal cases which involve violations of federal, state, local or tribal laws.
- i. Use cameras, telephones, recorders, and other equipment to document facts and evidence.
- j. Prepare and present findings of investigations in properly documented reports.
- k. Prepare, obtain and execute search warrants.

SECTION 207.0 OFFICE MANAGER

207.1 MAJOR OBJECTIVES

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

207.2 AUTHORITY AND RESPONSIBILITY

1. ADMINISTRATION

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

2. CLERICAL

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

3. LAW ENFORCEMENT

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

SECTION 208.0: ADMINISTRATIVE ASSISTANT

208.1 MAJOR OBJECTIVES

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

208.2 AREAS OF RESPONSIBILITY

1. ADMINISTRATION

The Administrative Assistant will:

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

2. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

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

3. LAW ENFORCEMENT

Law enforcement responsibilities include:

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

4. CLERICAL

The Administrative Assistant will:

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

5. RECEPTION

The Administrative Assistant will:

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

SECTION 209: RECORDS TECHNICIAN

209.1 MAJOR OBJECTIVE

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

209.2 AREAS OF RESPONSIBILITY

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

CHAPTER THREE

GENERAL ORDERS

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 301.0 REVISED April 24, 2015

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

PURPOSE

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

POLICY

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

SCOPE

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

This Order is organized into eight principles governing conduct unbecoming an Officer. Each principle is followed by the rationale explaining the principle and a set of rules.

301.01 PRINCIPLE ONE

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

RATIONALE

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

RULES

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

301.02 PRINCIPLE TWO

Officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

RATIONALE

Community cooperation with the police is a product of its trust that Officers will act honestly and impartially. The Officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

RULES

1. Officers shall carry out their duties with integrity, fairness and impartiality.
2. Officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations permitted under law.
3. Officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
4. Officers shall not take action if they know it will violate the constitutional rights of any person.

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

301.03 PRINCIPLE THREE

Officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

RATIONALE

Law Enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Officers should foster harmony in their communities and perform their duties without regard to race, color, creed, religion, national origin, gender, and marital status, status with regard to public assistance, disability, sexual orientation or age.

RULES

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

301.04 PRINCIPLE FOUR

Officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their Department or otherwise impairs their ability or that of other Officers or the Department to provide Law Enforcement services to the community.

RATIONALE

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

RULES

1. Officers shall not consume alcoholic beverages or chemical substances while on duty, except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in Rule 3.
2. Officers shall not consume alcoholic beverages off duty to the extent that the Officer would be rendered unfit for the Officer's next scheduled shift. An Officer shall not report for work with the odor of an alcoholic beverage on the Officer's breath.
3. Officers shall not use narcotics, hallucinogens or other controlled substances except when legally prescribed. When medications are prescribed, Officers shall ask their doctor whether the medication will impair their performance of their duties. The Officer shall immediately notify the Officer's supervisor if it is possible that a prescribed medication could impair the Officer's performance during the Officer's next scheduled shift.
4. Officers, while on duty, will not commit any act which, as defined under applicable law constitutes sexual harassment, including but not limited to, making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.
5. Officers, while off duty, shall not engage in any conduct which the Officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conductor communication of a sexual nature.

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

301.05 PRINCIPLE FIVE

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

RATIONALE

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

RULES

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

301.06 PRINCIPLE SIX

Officers shall not compromise their integrity, nor that of their department or profession, by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as an Officer for personal, financial, commercial or political gain.

RATIONALE

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

RULES

1. Officers shall:
 - a. Refuse favors or gratuities, which could be reasonably interpreted as capable of influencing official acts or judgments.
 - b. Maintain a neutral position with regard to the merits of any labor dispute, political protest or other public demonstration while acting in an official capacity; and
4. Officers shall not:
 - a. Use their official position, identification cards or badges for:
 - i. Personal or financial gain for themselves or another person;
 - ii. Obtaining privileges not otherwise available to them except in the performance of duty; and
 - iii. Avoiding the consequences of unlawful or prohibited actions.
 - b. Lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the Chief Law Enforcement Officer.
 - c. While on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment unless required in the performance of their duties. This rule does not prohibit Officers from conducting a walk-through of such establishments as part of regular assigned duties.
 - d. Not authorize the use of their names, photographs or titles in a manner that identifies the Officer as an employee of this

department in connection with advertisements for any product, commodity or commercial enterprise;

- e. Not endorse political candidates, while on duty, or in uniform.

This section does not prohibit Officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

None of these rules prevent Officers from engaging in the free expression of political speech in their capacities as private citizens or members of police fraternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

301.07 PRINCIPLE SEVEN

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

RATIONALE

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

RULES

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

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

301.08 PRINCIPLE EIGHT

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

RATIONALE

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

RULES

1. Officers shall not violate any legal restriction for the release or dissemination of information.
2. Officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
3. Officers shall not divulge the identity of persons giving confidential information except as required by law or department policy.

301.09 RULES AND REGULATIONS GOVERNING CONDUCT

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

301.11 COOPERATION

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

301.12 CONDUCT TOWARD RANKING OFFICERS

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

301.13 GIVING NAME AND BADGE NUMBER

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

301.14 CONDUCT TOWARD THE PUBLIC

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

301.15 PUBLIC SUPPORT AND COOPERATION

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

GUIDELINES

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

301.16 REPORTING FOR DUTY

Officers and civilian personnel of the department shall be punctual in reporting for duty when scheduled to work. Repeated failure to report promptly when scheduled to work will be neglect of duty. Sickness or illness must be reported promptly prior to the time the member is scheduled to work. When sick, the member shall keep their Immediate Supervisor advised as to their status and expected return to duty. A doctors note is required for all sick leave 3 days or longer.

301.17 MAINTENANCE OF COMMUNICATIONS

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

301.18 PHYSICAL FITNESS

Officers shall maintain good physical condition to ensure their ability to handle all situations. Officers may use up to (4) hours of on-duty time per week to exercise. However, they must get permission from their Sergeant and be readily available to respond to calls. Voluntary physical fitness evaluations will be conducted semi-annually. Officers may earn compensatory time based on their overall fitness scores.

301.18A TRAINING

The Department recognizes the direct relationship between high-quality training and high-quality job performance and supports a pro-active and professional training program. In addition, Peace Officer Standards and Training (POST) requires 48 hours of training every two years in order for officers to maintain their certification.

1. Training requests are necessary for most training classes. Unless otherwise directed, an employee who requests training shall provide the Chief of Police information pertaining to the training.

The Training Program responsibilities are as follows:

- a. New Officer Training Program: The new officer training program includes all training provided to new officers, including all orientations, POST and the Field Training Program. The Field Training Officers will manage all new officer training.
- b. In-Service Training: In-service training is training normally provided to an employee by a Department Instructor, and may be required annually. The Chief of Police will manage Department-wide in-service training. Department Instructors will provide a copy of lesson plans and rosters.
- c. Specialized or Vendor Training: Specialized or vendor training is training that is provided to employees by an outside instructor or vendor and may require the employee to travel outside the area to attend the course. Some specialized or vendor training is sponsored or coordinated locally by the Department.
- d. Firearms Training Program: Firearms training is training required of each sworn employee to qualify with any weapons carried on/off-duty and will be managed by the Firearms Instructor.

- e. Unit Training: Unit training includes all in-service training conducted within a special unit (e.g., K9, SWAT). The unit supervisors will manage the training, will inform the Chief of Police prior to scheduling the training, and will provide a copy of lesson plans and rosters.
- f. Supervisor and Administrative Training: Supervisor and Administrative training is training for Department Supervisors and Administrative employees, which may be either specialized training, vendor training, or in-service training.

2. Identifying Training Needs

Each employee will assist in identifying his/her own training needs, monitoring his/her own career path, initiating training requests, attending training (once approved), and ensuring that Administration receives verification of any completed training. Each supervisor will also collect input from subordinates, assess officer/team training needs, and pursue appropriate training opportunities for himself/herself and his/her subordinates.

3. Employee's Responsibility

An employee will assist identifying of his/her own training needs, initiating training requests, attending training (once approved), and ensuring that he/she receives verification of completed training. It is an employee's responsibility to check their training records and ensure that they remain in compliance with the minimum number of hours required by POST every two years. An employee attending training shall be responsible for his/her attendance and conduct. He/she shall attend on-time in the proper attire, conduct himself/herself professionally, and will have all necessary equipment for the training. An employee who misses scheduled training for any reason shall contact their Supervisor and arrange for make-up training. If an employee receives a subpoena after being approved for training, he/she will notify the prosecuting authority to determine whether or not the case can be rescheduled. If not, the employee will attend court, even if it means missing scheduled training.

4. Supervisor's Responsibilities

A supervisor will collect input from assigned employees, assess their training needs, and pursue appropriate training opportunities. Supervisors shall ensure that assigned employees sign up for and attend required training. If an excused absence, such as illness or court, interferes with scheduled training, supervisors shall ensure that the Chief of Police is notified and the employee is rescheduled

5. Instructor Responsibilities

Instructors shall conduct all assigned training in a professional manner and shall dress in the uniform of the day or appropriate attire.

6. Providing Training to Outside Agencies

Any training that is sponsored by the Department that will be attended by personnel from other agencies shall be approved by the Chief of Police prior to distribution of any schedule or announcement. As part of the approval process, the Chief of Police will consider cost/benefit, liability, ethics, and Mille Lacs Tribal Police/Mille Lacs Band Policy. Charges to outside agencies will normally not exceed the actual cost of providing the training, including development and delivery time for Department employees, materials, equipment, and facilities. Department employees may be requested to provide training to outside agencies.

This is permissible in one of the following ways:

a. As an official representative of the Mille Lacs Tribal Police Department

Participation will be approved by the Chief of Police. The time required for preparation and delivery of the instruction shall be compensated by the Department and any materials and equipment required for the instruction will be provided by the Department.

b. As off-Duty Employment

The employee shall meet the requirements of the Mille Lacs Tribal Police Department policy on off-duty employment. The Department will not compensate employees in any way for such employment. Employees are prohibited from using Band equipment, facilities, or property to perform outside employment.

NOTE: An exception to this policy may be granted for situations in which the department is receiving a direct benefit from the instruction. An example is where an employee is teaching for a POST accredited Academy or other government agency that provides law enforcement or related training. In such cases, the employee's Chief of Police shall approve the use of any department time and materials.

301.19 ON-DUTY ACTIVITY

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

301.20 SLEEPING ON DUTY

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

301.21 SHOPPING IN UNIFORM

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

301.22 INTOXICANTS / DRUGS

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

301.23 OFFICE KEYS

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

301.24 RESPONDING TO CALL

CALLS FOR OFFICER ASSISTANCE

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

REQUESTS FOR INFORMATION AND COMPLAINT CALLS

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

301.25 POLICE DEPARTMENT PROPERTY

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

301.26 DAMAGED OR INOPERATIVE PROPERTY OR EQUIPMENT

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

301.27 SOLICITATION OF SPECIAL PRIVILEGES

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

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

301.28 ACCEPTANCE OF FEES, COMPENSATIONS

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

301.29 PERSONAL USE OF PROPERTY

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

301.30 OFF-DUTY REPORTING IN EMERGENCIES

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

301.31 ACTS OR STATEMENTS BY OFFICERS

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

301.32 CRITICISM OF OTHER OFFICERS

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

301.33 ASSISTANCE TO OTHER OFFICERS

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

301.34 CITIZENS IN POLICE VEHICLES

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

301.35 CIVIL ACTIONS

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

301.36 CIVIL DISPUTES

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

301.37 PAYMENTS FOR LINE-OF-DUTY INJURY

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

301.38 ASSAULTS UPON PERSONNEL

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

301.39 TESTIFYING FOR THE POLICE DEPARTMENT

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

301.40 CHANGE OF ADDRESS

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

301.41 TELEPHONE

All officers shall maintain a telephone in their residence. A personal cell phone may be substituted for a land line telephone. Employees are to keep personal phone calls to a minimum. Employees found to be using department issued phones excessively for personal calls, or during their duty shift, for non-business purposes are subject to discipline

Department Owned Cell Phones

An employee assigned a cell phone will have his/her phone on and operating during normal duty hours. Employees are issued a department owned cell phone and these phones are to be principally used for official business only. Employees shall check the voice messaging system regularly during the duty shift for messages and calls received. The cell phone number of an employee will be provided to citizens when appropriate.

Employees issued Department i Phones will establish an Apple account using Department email address.

Setup will be as follows:

Employees shall setup their voice mail box, identifying them by rank and last name or first and last name.

Wi- Fi, Bluetooth, Airdrop will be off or in a setting to allow the employee to monitor the connection prior to it being established.

Syncing to other than Department issued devices is prohibited.

i- Cloud or Cloud storage is prohibited. Dropbox application is allowed for use but information stored in Dropbox cannot be case-related or sensitive information falling under Data Practice or CJIS. Department Drobox invitations will be shared as needed with employees.

Any applications added to Department issued phones will be at the expense of the employee. Applications shall be work-related and relevant to the employee's assigned job.

Only Mille Lacs Band email is allowed on Department issued phones and will be the default account, not the i Cloud account.

Cell phone bills will be reviewed regularly for usage. The Chief of Police or his/her designee may request an explanation of excess usage (more than the allocated minutes). An employee may be responsible for reimbursing the Department for excess usage that cannot be justified for business purpose.

Cell Phone Camera

These procedures govern the use of the cell phone camera by employees of the Mille Lacs Tribal Police Department, including, but not limited to, photographing, processing, storage, dissemination, and preservation of images.

The policy is intended to protect the evidentiary integrity of all images captured. No videotaping or audio recording is authorized for evidentiary purposes using the cell phone, except when provided below.

Cell phone cameras may be used when there are extenuating circumstances or for minor cases. Department issued digital cameras, in squad cameras, and Officer mounted cameras should always be the first choice for processing evidentiary digital camera photos.

Evidentiary photos produced from a cell phone shall be entered as evidence in LETG-RMS and considered the property of Mille Lacs Tribal Police Department. Any unauthorized distribution will be subject to department disciplinary action up to and including termination, and/or criminal prosecution.

Photos of non-evidentiary nature, training, and historical events are subject to the Data Policy.

Data

All data stored and/or collected on a Department issued phone is the property of the Mille Lacs Tribal Police Department. All phones are subject to inspection by an Employees Supervisor and the Chief of Police.

301.42 BUSINESS CARDS

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

301.43 INFORMATION TO SUPERIORS

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

301.44 OBEYING ORDERS

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

301.45 DISOBEDIENCE OF ORDERS

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

301.46 QUESTIONS REGARDING ASSIGNMENT / ORDER

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

301.47 CRITICISM OF ORDERS

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

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

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

301.49 ACTING SUPERVISORS

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

301.50 FORWARDING COMMUNICATIONS VIA CHAIN OF COMMAND

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

301.51 PRIMARY OFFICER AT A CRIME SCENE

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

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

The first officer on-scene (if not the primary officer) will conduct the above until arrival of the primary officer.

301.52 RADIO DISCIPLINE

All officers operating the police radio either from a mobile unit or in the office shall strictly observe all regulations for radio operations as set forth in general orders and by the Federal

Communications Commission. Horseplay on the radio, interfering with transmissions by another officer, will not be tolerated.

301.53 MARKING NOTICES OR DEFACING

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

301.54 DIVULGING OFFICIAL BUSINESS

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

301.55 CRIMINAL NEGOTIATIONS

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

301.56 WITHHOLDING CRIMINAL INFORMATION

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

301.57 DEPARTMENTAL INVESTIGATIONS

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

301.58 ATTORNEY AND BONDING COMPLAINTS

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

301.59 REPORTING

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

301.60 REVIEW OF REPORTS

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

301.61 SPECIAL PRIVILEGES

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

301.62 SERIOUS INJURY OR DEATH IN THE LINE OF DUTY

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

301.63 NEWS MEDIA RELATIONS

Officers shall be courteous to representatives of the news media provided but forward any inquiry to the Chief of Police. Non-supervisory personnel shall not make statements to the news

media unless authorized to do so by the Chief of Police. No statements shall be given that jeopardizes pending investigations and prosecutions. See also general Order 322.

301.64 COMPULSORY FIREARM PRACTICE AND INSPECTION

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

301.65 MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

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

301.66 VIOLATION OF ANY CRIMINAL LAW

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

301.67 DEPARTMENT COMPUTERS

The Mille Lacs Tribal Police Department has issued Department owned computers in officer cubicles and squad cars. These computers are department owned and subject to inspection at any time. All officers understand there is no expectation of privacy when utilizing a department owned computer. All information, from these computers that is gathered, stored, accessed, and printed by an officer is considered Government Data and is subject to the Minnesota Data Practices Act and the Data Practices policy within this manual. At no time will Officer's download programs for personal use, or utilize their computers in any way, except for official government use, or to enhance their law enforcement efforts. Applications and/or programs designed to access chat rooms and instant messaging are expressly forbidden. Officers wishing to text may do so under the LETG application.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 302.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: DISCIPLINARY PROCEDURES

PURPOSE

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

SCOPE

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

302.01 EMERGENCY SUSPENSION

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

302.02 VERBAL REPRIMAND

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

302.03 WRITTEN REPRIMAND

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

302.04 ISSUANCE OF VERBAL REPRIMAND & WRITTEN REPRIMAND

Immediate disciplinary action shall be taken against members who:

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

302.05 DISCIPLINARY ACTIONS

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

302.06 REPORTING DISCIPLINARY ACTION

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 303.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: FEBRUARY 8, 2010

SUBJECT: COMPLAINTS AGAINST MEMBERS

PURPOSE

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

303.01 DEFINITIONS

For the purposes of this Order:

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

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

303.02 FILING COMPLAINTS

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

303.03 PROCEDURE FOR NOTIFICATION

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

303.04 PROCEDURE FOR INVESTIGATION OF COMPLAINTS

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

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

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

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

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

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

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

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

303.05 INVESTIGATION REVIEW AND DISPOSITION

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

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

9. All employees of the Mille Lacs Tribal Police Department can appeal the Chief's disciplinary action, via letter, to the Solicitor General within (5) working days of the notice of discipline.
10. The Chief may suspend an accused member with pay at any time during the investigation of a complaint.
11. This procedure does not preclude any other disciplinary action for complaints of misconduct not initiated by a citizen complaint.

303.06 MAINTENANCE AND DISCLOSURE OF DATA

1. Disclosure to the complainant, accused member and the public regarding disciplinary data collected, created, received or maintained shall be done in accordance with this manual and the Minnesota Data Practices Act .
2. All data collected, created or received by the Department in connection with this manual shall be maintained in accordance with the Department's retention schedule.

303.07 PEACE OFFICER BILL OF RIGHTS

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 304.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: PERSONAL CONDUCT

304.01 RESPECT FOR CONSTITUTIONAL RIGHTS

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

304.02 USE OF FORCE

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

304.03 INTEGRITY

The public demands that the integrity of its Law Enforcement Officers be above reproach. The dishonesty of one Officer may impair public confidence and cast suspicion upon the entire police department. Officers must avoid any conduct that compromises their integrity, that of other Officers or the Department. Officers will be truthful and honest when questioned during the course of a formal or informal (fact gathering) investigation.

304.04 COURTESY

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

304.05 COORDINATION

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

304.06 LOYALTY

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

304.07 FINANCIAL OBLIGATIONS

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

304.08 OUTSIDE EMPLOYMENT

Law Enforcement requires employees to work irregular schedules that are subject to change to meet deployment needs. It is necessary that an employee have adequate rest in order to be alert during their tour of duty. The Department may impose conditions on outside employment or prohibit it. All members who seek outside employment, must have approval from the Chief of Police. Full-time Probationary (1st year Officers) may not be employed by another Police Agency during their probationary period.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 305.0

EFFECTIVE DATE: JANUARY 31, 2006 REVISED: OCTOBER 21, 2009

SUBJECT: HAIR AND GROOMING REGULATIONS

PURPOSE

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

305.01 POLICY

Members must appear neat, alert, efficient and professional.

305.02 UNIFORMED MEMBERS

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

305.03 STANDARDS FOR PLAIN CLOTHES MEMBERS

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

305.04 EXCEPTIONS

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 306.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: October 15, 2014

SUBJECT: UNIFORM/DUTY GEAR - REGULATIONS

PURPOSE

To set forth regulations governing uniforms and uniform equipment.

306.01 REGULATIONS FOR THE WEARING OF THE UNIFORM

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

1. The uniform shall fit properly and be clean, neat, pressed and serviceable.
2. Members shall not report for duty wearing soiled, faded, torn or patched uniforms.
3. Wearing non-regulation articles of clothing or items associated with the uniform is prohibited, except when a supervisor approves an exception from the regulation uniform if an assignment or weather indicates that the regulation uniform is impractical.
4. Long sleeve uniforms are authorized year round. Short sleeve uniforms are authorized as weather dictates. A uniform tie will be worn with the long sleeve shirt. A navy blue/black turtleneck/mock turtleneck shirt/t-shirt worn beneath the long sleeve shirt is acceptable in place of a tie. Uniform shorts are approved for special events and as weather dictates and must be blue in color.
5. When the identifying portions of the uniform are worn, they must be worn in their entirety. A Department issued breast badge must be worn on the left side of shirt and jacket at all times while on duty. On shirts, Officer shall wear the name identification per the Class of uniform.
6. Uniform hats and white gloves shall be worn for all funerals. Hats will be worn in a level position with the hat badge visible.
7. Leather shoes or boots shall be black and polished. Black nylon boots and shoes shall be kept clean.
8. Buttons, including sleeve cuffs, must be fastened on shirts. (Sleeves not rolled up.)

9. Identifying insignias from worn out clothing must be removed to prevent their use.
10. All metal collar brass and Badges must be polished.
11. Only approved equipment will be affixed to the belt or external carrier.
12. There are three uniform classes:
 - a. Class A Uniform - navy blue standard uniform slacks, long sleeved shirt, tie, and coat or jacket if weather dictates. Metal Badge, collar brass and nameplate. Class A will be required for court and formal events. Ties are not required for court.
 - b. Class B Uniform - navy blue standard uniform slacks or Class B style pants with cargo pockets, short sleeve shirt or approved polo shirt, no tie, and coat or jacket if weather dictates. Shirts/jackets may have embroidered badge, collar identification and name plate.
 - c. Class C Uniform - tactical uniform clothing to consist of police tee shirt, "tactical" pants or clothing "undercover" type jackets, appropriate footwear and baseball type hats. These are to be worn on training days and range days by personnel who are not answering calls for service.
13. Officers may wear their Class A uniform while attending court, or a sport coat and tie with dress slacks. No blue jeans or t-shirts are allowed.
14. Baseball hats are authorized during inclement weather conditions. Baseball hats will be blue or black in color and identify the wearer as "Police". Plain black winter style caps are authorized during frigid conditions. Small branding symbols are permitted, but should not be predominate.
15. Administrative office personnel, Investigators and Officers assigned to special tasks may wear appropriate civilian clothing while on duty.
16. Officers who are issued body armor by the department are required to wear the armor at all times while on-duty responding to calls for service. Armor will be worn beneath the uniform shirt or in an approved external carrier. Administrative police personnel are exempt, but must wear body armor when responding to calls for service.

306.02 AUTHORIZED DUTY GEAR

1. Each uniformed officer will wear a duty belt, black in color, non-shiny finish. Shiny finishes and over the shoulder straps are not permitted.

2. The holster shall be of matching finish or color with at least a threat level III security.
3. All accessories to include handcuff case, aerosol case and magazine pouches will be black in color.
4. Drop leg Taser Holsters and low ride firearm holsters are approved
5. Officers are allowed to configure their duty gear to best suit their needs in the performance of their duties.
6. Authorized duty gear of the ERT team is subject to approval by the Chief of Police.

306.03 PORTABLE RADIO

1. USE OF PORTABLE RADIO

- a. Officers must carry a hand held radio when they are not in their patrol cars. Officers may leave their patrol cars more often in order to personally investigate matters on foot.
- b. The radio must be turned on and the Officer must monitor their duty station frequencies.
- c. Officers will turn their radios off when in the vicinity of a bomb threat. Officers will notify dispatch of their location prior to arrival and turning off the radio

2. WHEN TO CARRY RADIO

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

306.04 PORTABLE RADIO ASSIGNMENTS

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 307.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: WORK SCHEDULE / REST BREAKS / MEAL BREAKS

PURPOSE

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

307.01 WORK YEAR

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

307.02 WORK WEEK

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

307.03 BREAKS - GENERALLY

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

307.04 MEAL BREAKS

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

307.05 REST BREAKS

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

307.06 SIGN-ON AND SIGN-OFF

Patrol Officers assigned vehicles equipped with radios shall begin and end their shifts by notifying the appropriate dispatcher of their status via use of standard 10-code. All Officers shall begin and end their work shift within the geographical area, which they are assigned to patrol, unless, due to operational requirements, it is not feasible to do so. In addition Officers will log 10-8 on their in squad computers if so equipped.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 308.0

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

SUBJECT: HOLIDAYS

PURPOSE

To define compensation for holidays worked by departmental personnel.

308.01 ELIGIBILITY FOR HOLIDAY PAY

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

308.02 COMPENSATION FOR HOLIDAY PAY

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

MILLE LACS BAND POLICE DEPARTMENT OPERATION MANUAL

GENERAL ORDER: 309.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: November 22, 2014

SUBJECT: OVERTIME/COMPENSATORY TIME

PURPOSE

To define overtime/compensatory time for department personnel.

POLICY

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

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

Employees may accrue up to 40 hours compensatory time for hours worked in excess of forty hours per week. Compensatory time is accrued at (1 ½) rate of pay.

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All accrued compensatory time must be used by the end of the year (Dec 31) unless approved by the Chief of Police to carry over unused time. Officers must submit in writing approval to carry over with an explanation why the time was not utilized during the fiscal year.

All compensatory time not used or carried over will be forfeited on December 31 of the next year.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS

GENERAL ORDER: 310.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: IDENTIFICATION CARDS

PURPOSE

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

310.01 POLICY

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 311.0

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

SUBJECT: SEARCH WARRANTS

PURPOSE

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

311.01 APPLICATION FOR WARRANT

1. INFORMATION NEEDED

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

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

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

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

311.02 PREPARATION FOR EXECUTION OF WARRANTS

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

311.03 EXECUTION OF WARRANTS

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

- a. Knock, announce identity and demand admittance. Wait to be admitted, explain purpose and display the warrant. When no one is home, entrance may be accomplished by the least forceful means possible under the circumstances.
 - b. Officers may enter unannounced, providing entry without announcement has been expressly authorized by the warrant. In such cases, Officers shall enter the premises by the most efficient means possible, inflicting the least amount of damage possible under the circumstances.
 - c. When Officers execute a warrant that does not authorize an unannounced entry and are confronted with exigent circumstances which would have otherwise justified a judge to authorize an unannounced entry, Officers may enter unannounced. The burden of proof then lies entirely with the executing Officers and their ability to articulate the exigent circumstances present at the time of execution. To validate the exigent circumstances, the executing Officers will have to show that the unannounced entry was necessary to prevent the loss, destruction or the removal of the objects of the search or to protect the safety of the Officers or others.
5. Entry - Commercial Establishment
- a. When Officers execute a warrant at a commercial establishment under normal circumstances, the Officers should execute the warrant when someone is present therein.
 - b. The same principles as with private residences also apply for entry of commercial establishments.
6. When a person is injured or property is damaged during the execution of a warrant, the involved Officers must file complete reports setting forth any reason for the injuries or the necessity for the damage.

311.04 DETENTION AND SEARCH OF PERSONS ON SEARCHED PREMISES

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

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

311.05 ARREST

Arrests may be made in accordance with general Order 314.

311.06 SCOPE OF SEARCH

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

311.07 DISPOSITION OF PROPERTY

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 312.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: STOP AND FRISK

PURPOSE

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

312.01 DEFINITIONS

For purposes of this Order:

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

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

312.02 CONTACTS AND INTERVIEWING

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

312.03 STOPS FOR INTERROGATION

1. WHEN MADE - GENERALLY

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

2. WHEN MADE - SPECIFICALLY

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

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

3. SPECIFIC AND ARTICULABLE FACTS

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

312.04 FRISKS - GENERALLY

1. WHEN DONE

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

2. FACTORS TO CONSIDER:

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

3. SPECIFIC AND ARTICULABLE FACTS

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

312.05 SCOPE OF FRISKS

1. PAT DOWN

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

2. INNER CLOTHING

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

3. WEAPONS

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

312.06 RESULTS OF FRISKS

1. WEAPONS

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

2. CONTRABAND EVIDENCE

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 313.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: ARRESTS

PURPOSE

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

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

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

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

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

1. Officers may arrest a person in another jurisdiction for a crime or offense committed outside of the territorial jurisdiction of the Mille Lacs Band provided that the Officer is acting within the course and scope of employment at the time the arrest is made under the following conditions:
 - a. The Officer witnesses the commission of a crime;
 - b. The crime constitutes a threat to public safety such that imminent danger exists which is likely to result in death or serious injury if no enforcement action is taken; or
 - c. No local Law Enforcement officials are within the immediate area to observe the offense and effect an arrest.

2. Procedure for out of jurisdiction on-view arrests:
 - a. If possible, notify local authorities of action prior to making the stop;
 - b. Make stop and detain suspect;
 - c. Immediately notify local Law Enforcement agency of the stop and request assistance;
 - d. Upon arrival of local authorities, turn suspect over to local authorities and provide verbal account of incident leading to stop;
 - e. Follow local procedures for detention, arrest and processing of suspect; and
 - f. Complete report of stop and arrest for local authorities, provide them a copy and file a copy with the Mille Lacs Band Police Department.

3. If no local assistance is available:
 - a. Advise local jail or Law Enforcement center that a suspect is in custody;
 - b. Transport suspect to the jail or Law Enforcement center within the local jurisdiction;
 - c. Process arrestee as directed by local authorities; and file reports

313.03 OFF DUTY ARRESTS: WITHIN JURISDICTION

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

313.04 OFF-DUTY ARRESTS: OUTSIDE JURISDICTION

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

313.05 CITIZEN'S ARREST

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 314.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: PERSONS IN CUSTODY

PURPOSE

To provide guidelines on transporting persons in custody.

314.01 POLICY

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

314.02 PROCEDURE

1. Vehicle Inspection

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

2. Handcuffing

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

3. Transport

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

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

MILLE LACS BANDPOLICE OPERATION MANUAL

GENERAL ORDER: 315.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 2, 2009

SUBJECT: MOTOR VEHICLE SEARCHES

PURPOSE:

To provide guidelines on searches of motor vehicles.

315.01 POLICY

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

315.02 DEFINITIONS

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

315.03 PROCEDURES

1. WHEN CONDUCTED

a. With Warrant

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

b. Without a Warrant

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

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

2. SCOPE OF SEARCH

- a. Searches with a warrant. Officers may search all areas of the vehicle unless the warrant states otherwise.
- b. With probable cause. May extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area.
- c. With Consent. Depends on the terms of consent. If the consent is limited to specific areas of the vehicle, Officers may search only those areas. Consent must be knowing, voluntary and in writing before being conducted.
- d.
- e. Incident to search of passenger compartment for weapons. Areas immediately accessible to the vehicle's occupants may be searched but not an area such as a locked glove compartment.
- f. Examining a vehicle identification number to determine its ownership. Entry made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.
- h. Emergencies. Search of a motor vehicle under emergency circumstances not otherwise enumerated above must be limited by the nature of the

emergency. The proper extent of the search must therefore be determined by the searching Officer in each specific situation, but in no event may the extent of the search exceed what is necessary to respond properly to the emergency. *Note: Where the initial search discloses probable cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.*

Officers may not search a vehicle incident to a recent occupant's arrest after the arrestee has been secured and does not have access to the vehicle, unless it is reasonable to believe evidence relevant to the crime for which the arrest was made might be found in the vehicle, in which case the Officer may search the entire passenger compartment of the vehicle. (Examples of crimes that may lead to reason to believe the vehicle might contain evidence are as follows: Crimes involving the use of a weapon, simple robbery, armed robbery, and burglary, drug possession or other contraband, and when a search of the person incident to arrest provides basis for an additional charge that would itself justify a search of the vehicle.

Searches are restricted only in incident to arrest. If an officer has probable cause to search a motor vehicle, then you may search every part of the vehicle and its contents that may conceal the object of the search.

Depending on circumstances Officers have justification for impounding and inventorying the contents of a vehicle. The resulting inventory search is considered a "Care taking" event.

3. CONTAINERS IN VEHICLE

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

- a. Unlocked containers in motor vehicles may be searched as follows:
 - i. With probable cause: paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened.
 - ii. Incident to arrest: containers found in passenger compartment may be opened.
 - iii. With consent: Containers may be opened provided that the terms of the consent expressly permit or reasonably imply that the particular container may be opened.

- iv. Containers found in or discarded from a vehicle under circumstances that do not justify their search under probable cause rules or in connection with a search incident to arrest should be secured but not searched until a warrant is obtained to search them.
- b. Locked containers such as attaché cases, suitcases and footlockers found during a vehicle search should not be opened unless:
 - i. The search is being conducted with a warrant; or
 - ii. Officers obtain a valid consent to open the locked container.
- c. When the conditions in b. are not met, locked containers should be secured by search personnel and opened only after a warrant has been obtained.

4. LOCATION AND TIME OF SEARCH

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

5. CONDUCT OF THE SEARCH

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

6. ABANDONED VEHICLES

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

7. SEIZURE OF EVIDENCE

Evidence discovered in the course of a motor vehicle search shall be collected, handled, packaged, marked, transported and stored in accordance with applicable

policies and procedures of this department. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner or occupants of the vehicle.

8. COMPLIANCE WITH HEALTH AND SAFETY REQUIREMENTS

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

9. SECURITY OF VEHICLES AND PROPERTY SEIZED

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

10. RESPONSIBILITY OF SUPERVISING OFFICER.

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

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 316.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: EMERGENCY OPERATION OF LAW ENFORCEMENT
VEHICLES

PURPOSE

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

316.01 DEFINITIONS

For purposes of this Order:

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

316.02 RESPONDING TO AN EMERGENCY CALL

1. Use of Emergency Equipment

- a. Traffic lights

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

b. Stop lights

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

c. Traffic Laws

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

2. First Officer On Scene

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

3. Multi-Vehicle Response

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

4. Lights Only – No Siren

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

316.03 OFFICER RESPONSIBILITY

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

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 317.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: APRIL 1, 2014

SUBJECT: VEHICLE PURSUITS

POLICY

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

317.01 DEFINITIONS

A. MOTOR VEHICLE PURSUIT

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

B. INITIATING /PRIMARY PURSUIT SQUAD

The police squad (authorized emergency vehicle) that initiates a pursuit, or any other squad (authorized emergency vehicle) that assumes the lead position in a pursuit.

C. AUTHORIZED EMERGENCY VEHICLE

An authorized emergency vehicle must be equipped with a front mounted red light, rear mounted red or blue light, siren, and authorized insignia. The identifying insignia of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police," or the words "conservation officer," as appropriate, with letters not less than 2-1/2 inches high, one-inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words

which may be displayed on the vehicle. These elements must be present for the vehicle to be considered an Authorized Emergency Vehicle.

D. SUPERVISOR

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

E. CLEAR AND IMMEDIATE THREAT

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

F. PURSUIT IMMOBILIZATION TECHNIQUE (PIT)

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

G. HIGH RISK STOP

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

317.02 RULES AND PROCEDURES:

INITIATING/PRIMARY PURSUIT UNIT RESPONSIBILITIES

- A. An officer may initiate a pursuit when:
 - 1. A vehicle operator fails to stop after being given a visual or audible signal to stop by a peace officer, and there is reasonable expectation of a successful apprehension of the suspect or
reasonable grounds have been established to believe the offender presents a clear and immediate serious threat, and reasonably places the public in imminent danger of great bodily harm and or death.

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

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

317.03

ASSISTING/SECONDARY SQUADS

Assisting/secondary pursuit vehicles shall:

- A. Engage all emergency equipment, (lights and siren).
- B. Notify Dispatch of their identity.
- C. Assume radio communications responsibility, allowing primary unit to devote complete attention to the pursuit.
- D. Officers will not parallel or caravan a pursuit; however, officers may proceed into the area of a pursuit if directed by a supervisor to assist at the termination of the pursuit. Assisting officers may also be utilized in the stopping of the pursued vehicle.
- E. No more than three police vehicles will become actively involved in a pursuit, unless specifically authorized to do so by a supervisor. Assisting officer will be alert to the pursuit progress and location.

- F. Officers involved in a pursuit will not attempt to pass the primary unit unless instructed to do so by that officer or the primary officer is unable to continue.

317.04

SUPERVISOR RESPONSIBILITIES

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

which increasing constricts the perimeter surrounding the vehicle in order to apprehend the offenders.

317.05

STOPPING A PURSUED VEHICLE

- Officers will use high risk stop procedures if possible
- Mechanical Tire Deflation System (Stinger Spike System)

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

- Pursuit Immobilization Technique (PIT)

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

1. Only those officers who are trained and certified in the Pursuit Immobilization Technique (PIT) are authorized to employ it.

317.06

JURISDICTION ISSUES

A. When a pursuit leaves the boundaries of the Mille Lacs Indian Reservation, Pine County, or Aitkin County the officer will terminate the pursuit if:

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

B. When a pursuit by another agency enters the Mille Lacs Indian Reservation, Pine County, or Aitkin County the responsible supervisor will:

1. Ensure the pursuit policy is adhered to:
2. Ensure every attempt is made to assist the pursuing agency as resources and safety factors allow. This assistance must remain within the guidelines of this policy.

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

317.07

CARE OF VICTIMS

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

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

317.08

REPORTS REQUIRED

1. The primary officer and the supervisor shall file a pursuit summary report.
2. To ensure compliance with Minn. Stat. § 626.5531, the Chief of Police shall insure the completion of the state pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the incident.
3. The report must contain the following elements:
 - a. The reason(s) for, and the circumstances surrounding the incident;
 - b. the alleged offense;

- c. the length of the pursuit including time and distance;
- d. the outcome of the pursuit;
- e. any injuries or property damage resulting from the incident;
and
- f. any pending criminal charges against the driver.

317.09

EVALUATION

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

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 318.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: July 16, 2015

SUBJECT: TOWING MOTOR VEHICLES

PURPOSE

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

318.01 WHEN VEHICLES MAY BE IMPOUNDED

A vehicle can be impounded:

1. In accordance with Minn. Stat. Sec. 169.33.
2. When involved in a crime and the vehicle itself constitutes or contains evidence.
3. When reported stolen.
4. When parked in such a manner that it creates a public hazard.

If a driver is cited and not arrested:

5. The offenses of driving with a suspended license and failure to provide proof of insurance do not justify impounding the driver's vehicle.
A driver who is cited but not arrested is presumably capable of taking care of their vehicle and is therefore not reasonable to impound the vehicle for the purposes of safekeeping.
If a driver requests to make arrangements for the safeguarding of their vehicle, Officers will permit the driver a reasonable opportunity to make such arrangements.
If someone is already present at the scene who can take custody of the vehicle, or if someone arrives on the scene to take care of the vehicle, it will be released to that person if the driver/owner consents to such arrangement.
5. When the driver is arrested AND:
 - a. The driver is the owner and consents to the vehicle being released to another person. The vehicle shall be released to that person providing that other conditions do not exist that would be contrary to this arrangement.

- b. The driver is not the owner and the owner is present, the vehicle shall be released to the owner providing that other conditions do not exist that would be contrary to this arrangement.
- c. The arrestee is removed from a vehicle parked upon his property, the vehicle may not be impounded unless the arrestee requests that the vehicle be towed or the vehicle is evidence, contains evidence or is reported stolen.
- c. Any other occupant is arrested and that person was not using the car to commit a crime or was not seen in the car at the time of the offense, the vehicle shall not be impounded except at their request.

A third “no proof of insurance” violation within 10 years is a gross misdemeanor and a third “no insurance” violation within 10 years is a gross misdemeanor violation for which an Officer can make a custodial arrest.

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

Prior to towing the vehicle Officers will conduct an Inventory Search of the vehicle. Inventory Searches are considered a “caretaking event” and will be conducted at the scene of the stop. Officers may search the entire vehicle including the trunk and engine compartments.

Officers will not use an Inventory Search for the purpose of “Evidence Gathering”. But items found during an inventory search may be seized without a warrant.

Only under exigent circumstances will a vehicle be subjected to an inventory search after removal from the scene of the stop. Officers must justify in a clear and concise report the circumstances surrounding the removal and why an inventory search was not conducted at the scene.

318.02 PRIVATE TOWS

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

318.03 PRIVATE PROPERTY

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

318.04 REPORTS

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

318.05 VEHICLE INVENTORY

Mille Lacs Tribal Police Department property inventory policy is an administrative measure designed to protect the public and department personnel.

The inventory policy is a police and community caretaking procedure designed to secure and protect property; protect the agency against claims of lost, stolen, or damaged property, and to protect employees from dangerous or hazardous items.

1. All contents of all impounded vehicles shall be inventoried, and articles of value will be itemized on the impound form. Items of value will be defined as an item with an individual value of \$250 dollars and combined currency of \$100 dollars. Officers performing the inventory may have to determine an item's value based on what a reasonable person may consider valuable and how the item is being transported or secured. Money, jewelry, firearms and any other property having substantial value and not affixed to the vehicle, may be brought to the Department, inventoried and stored in the evidence room. Any article of substantial value, which is so large that removing and storing at the Police Department would be impractical, may be left in the vehicle and so indicated on the impound form. Vehicle inventories will be thorough and ALL areas, secured and unsecured, will be checked for items of value. Any movable/portable item of any size used to transport or store any item of value, secured or unsecured, shall be inventoried. The inventory of the items of value will be listed in the inventory section of the vehicle impound form in Field Reporting or the approved Department hand written form entered into LETG. A copy of the form will be left in the vehicle. Photographs of the inventoried vehicle will be collected and entered into LETG.
2. Keys must remain with the vehicle except under circumstances when the vehicle has evidentiary value or contains evidence. When these circumstances exist, the keys shall be removed and property inventoried as evidence.

318.06 ISSUANCE OF CITATIONS

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 319.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: TRAFFIC ACCIDENT REPORTS

PURPOSE

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

319.01 WHEN REQUIRED

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

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

319.02 WHEN OPTIONAL

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

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

319.03 TOW VS. IMPOUND

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 320.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: POLICE REPORTS

PURPOSE

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

320.01 DAILY ACTIVITY LOGS

.. Officers will utilize the LETG Records Management System in lieu of the Daily Activity Log.

320.02 INITIAL COMPLAINT REPORTS

ICR's may be generated by either Dispatch or an individual Officer. ICRs are generated and tracked through the LETG records management system.

320.03 FILING OF POLICE REPORTS

- 1.
2. All police reports shall be complete and in detail for all offenses and include pictures, when possible, and an estimated value of damage. All officers assisting in any call, will complete a supplemental report, detailing their involvement in the incident. The report shall not contain abbreviations, opinions, conclusions or "10-code" terms.
3. All in-custody (transported to jail, detoxification facility, 72 hour holds, Child Custody placement and all other instances where a individual, whether adult or child is placed in a facility) reports will be either electronically transmitted or faxed to the OSG, County Attorney's office, Social Services or other organizations deemed necessary to receive the reports, prior to the officer ending his shift. All other reports will be completed in a timely manner. If an officer is unable to complete a report (not in custody) he shall do so during his next scheduled shift.
3. Pictures should be taken, marked and filed with reports if necessary.

Officers will log all evidence under the "Evidence Tab" in the LETG System.

Officers will log all photographs and digitally audio recorded statements under the “Media Tab” in the LETG System. In addition officers will also place all digital audio recorded statements into the Olympus/Fusion transcription module. Officers will download, copy and prepare a “CD” for any traffic stop, or other recording from a in-car camera system. The copy will be placed with a Case Distribution sheet in the Records Technician box. This “CD” will be logged in the “Evidence Tab” under Records Locker and affixed with an electronically generated evidence tag.

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 321.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: NEWS MEDIA

PURPOSE

To provide guidelines for communicating with news media.

321.01 GENERALLY

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

321.02 CRIME SCENES

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

321.03 AUTHORIZATION FOR PRESS RELEASES

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

321.04 GUIDELINES FOR PRESS RELEASE

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

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

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

321.05 PROHIBITED INFORMATION FOR PRESS RELEASE

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 322.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 15, 2014

SUBJECT: USE OF FORCE AND DEADLY FORCE

PURPOSE:

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

322.01 GENERAL GUIDELINES

It is the policy of the Mille Lacs Tribal Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;

MN STAT 609.06 AUTHORIZED USE OF FORCE;

MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and

MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

This policy applies to all peace officers engaged in the discharge of official duties.

DEFINITIONS

1. Bodily Harm: physical pain or injury.
2. Great Bodily Harm: bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
3. Deadly Force: force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.
4. Other Than Deadly Force: force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.
5. Authorized Device: a device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

- a. obtained pre-service and annual training in the technical, mechanical and physical aspects of the device; and developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

Authorized Devices

Appropriate Department approved sidearm
Appropriate Department approved Rifle
Appropriate Department approved Shotgun
Appropriate Department approved special operating systems
Appropriate Department approved munitions
Collapsible Baton
Department Issued Taser
Department Issued Suspect Control Spray

322.02 NON – DEADLY FORCE

1. It is the policy of this agency to accord Officers discretion in the use of non-deadly force to the extent permitted by Minnesota State Statutes Sec. 609.06, which permits police officers to use reasonable force in:
 - a. Effecting a lawful arrest; or
 - b. The execution of legal process; or
 - c. Enforcing an order of the court; or
 - d. Executing any other duty imposed upon the Officer by law.
2. In determining the degree of force that is reasonable under the circumstances, Officers should consider:
 - a. The severity of the crime at issue; or
 - b. Whether the suspect poses an immediate threat to the safety of the officers or others; and
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
3. Rules governing the Use of Force:
 - a. Officers should use the amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision should not be construed to require officers to first use types and degrees of

force that reasonably appear to be inadequate to accomplish the intended objective.

- b. Protracted force encounters jeopardize public safety, safety of law enforcement personnel, and the safety of the person being arrested. Accordingly, it shall be deemed reasonable for officers to use that type and degree of non-deadly force necessary to bring a subject under control.
- c. Officers will carry and use only approved devices unless circumstances exist that pose an imminent threat to the safety of the officer or the public, requiring the immediate use of a non-approved weapon to counter such a threat. This provision should not be construed as permitting officers to use non-approved devices where, under the circumstances, it was feasible to procure approval for use of the particular device prior to its use.
- d. With agency approval, Officers may modify, alter, or cause to be altered an authorized devices in his or her possession or control.
- e. Display of firearms: firearms may be readied for use in situations where it is reasonably anticipated that they may be required.
- f. Threatening the Use of Force: an officer may announce to another his or her intention to use reasonable force.
- g. Before carrying a firearm, all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.
- h. Before carrying an authorized device, all officers shall receive training and instruction in the use of the device, including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

322.03 DEADLY FORCE

1. It is the policy of the Mille Lacs Band Police Department to accord officers the discretion in the use of force to the extent permitted by Minnesota Statute, which authorizes peace officers acting in the line of duty to use deadly force only when necessary to:
 - a. Protect the officer or another from apparent death or great bodily harm
 - b. Effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force
 - c. Effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony, if the officer believes that the person will cause death or great bodily harm if the person's apprehension is delayed and
 - d. If feasibly possible an officer should give a verbal warning before using or attempting to use deadly force

2. DESTRUCTION OF ANIMALS

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

3. KNIVES

- a. Use of knives as a weapon always constitutes deadly force. Officers will not use knives as weapons except under certain circumstances where

deadly force is otherwise appropriate and justified, and the knife is the only instrumentality reasonably available.

- b. Officers may assume they are in deadly danger if menaced or attacked by a person brandishing a knife.
- c. Officers shall not use knives or batons to subdue or disarm a suspect armed with a knife. Suspects armed with knives will be confronted at a distance by Officers with guns, not batons, drawn. Officers will not permit suspects armed with knives to get close enough to inflict injury. Officers may only fire in order to prevent the suspect armed with a knife from getting within the Officer's zone of danger. Which is defined in current training standards used by the Department.

322.07 DEADLY FORCE CRITICAL EVENT PROCEDURE

1. OFFICERS INVOLVED

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

3. ON SCENE SUPERVISOR

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

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

322.08 POST USE OF FORCE CRITICAL INCIDENT EVENT PROCEDURE

1. MANDATORY ADMINISTRATIVE LEAVE

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

2. INVESTIGATION

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

3. PSYCHOLOGICAL COUNSELING

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

4. RELEASING INFORMATION

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

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

322.09 USE OF FORCE REPORTS

1. 1. Officers shall complete the Use of Force tab in LETG when involved in any incident involving the use of force.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 323.0

EFFECTIVE DATE: MARCH 1, 1996

REVISED: SEPTEMBER 18, 2009

323.0 FIREARM POLICY AND TRAINING

1. GENERAL GUIDELINES

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

2. DUTY HANDGUNS

- a. Officers will carry only department issued handguns approved by the Chief of Police. These weapons will be purchased from an approved manufacturer with allowable calibers of .357, .40, .45.
- b. The handgun must be in excellent working condition.
- c. Barrel length must be not less than 2", no more than 6".
- d. Be constructed of blue carbon steel, stainless steel or anodized aluminum alloy.
- e. Grips (stocks) of the Officer's choice, as long as they are high quality and do not interfere with loading, unloading, reloading or ambidextrous operation.
- f. Pass detailed inspection by the department training Officer.

- g. All side-arms must, at all times, be serviceable and within factory specifications. Except for grips and finishes, no significant modification or alteration is permitted on duty side-arms.
- a. Specifically forbidden are: trigger shoes, trigger stops, target triggers, alteration or replacement of springs, adjustment of strain screws and modification, removal or substitution of safety devices or other internal parts.
- i. Department-owned equipment including firearms and ammunition will not be sold to any Officers employed or not employed by the Department. The Department solely reserves the right to sell or trade department-owned equipment for meeting the needs of the department.
- j. Shotguns; Only Department-issued twelve gauge shotguns are allowed.

323.01 FIREARM QUALIFICATION

1. REQUIREMENTS

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

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

2. QUALIFICATION COURSE

- a. The official qualification course will be designed by the Lead Firearms Instructor and will be fired at least once per year. The course shot must have approval of the Chief of Police.
- b. The curriculum for the other training sessions shall be composed and designed by the Lead Firearms Instructor . The course shot must have approval of the Chief of Police.
- a. Only commercially procured, re-manufactured, “practice” ammunition may be used for training courses.
- b. Only commercially procured, re-manufactured, ammunition used for on-duty carry will be used for qualification courses

3. PATROL RIFLES

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

- i. Only rifles based on the Colt M-16/AR-15 (.223) caliber are authorized.
- j. Patrol rifles will be stored in a secure place within the officer's vehicles.
- k. Patrol rifles must have a fixed rear sight, whether or not additional sighting devices are used.

323.02 OFF-DUTY & BACKUP GUNS

1. OFF-DUTY CARRYING OF FIREARMS

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

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

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

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

2. OFF-DUTY/BACKUP HANDGUNS

- a. GENERALLY

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

- b. If a second handgun is carried, the handgun must:
 - i. Comply with the specifications promulgated for off-duty guns (see below).

- ii. Be carried in such a manner that it is not seen by the public or suspects.
- iii. Be carried in a secure manner so that it will not fall out inadvertently or be accessed by a suspect.

3. OFF-DUTY/BACKUP GUN CRITERIA

a. GENERALLY

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

b. Guidelines

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

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

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

e. Reloading Devices

- i. For double-action revolvers, both brands of speed-loaders approved for duty firearms apply to off-duty and back-up revolvers. In addition, Officers are permitted to carry spare ammunition in rubber speed-strips.
 - ii. For autoloaders, only original equipment factory magazines are approved.
- f. Inspection; The Chief of Police will ensure that all off-duty and backup firearms are regularly inspected for cleanliness and serviceability by supervisory personnel. Any firearm that is discovered to be unserviceable, out of factory specifications, modified in an unauthorized manner, not on the approved list or so dirty as to adversely affect its reliability will be immediately removed from service.

323.03 SPECIAL WEAPONS & MUNITIONS

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

323.04 AMMUNITION POLICY

1. Only Department-issued factory ammunition is permitted in firearms carried under the auspices of the Mille Lacs Tribal Police Department (on duty or off). Reloads, hand loads and off-brand ammunition are specifically forbidden, except on the range. The requirement of police ammunition is that it is capable of producing a wound that will quickly and reliably stop a suspect.
1. Specifications:
 - a. The cartridge must be designed in such a way that the bullet/pellet-cluster has a high probability of staying within the body cavity of the suspect once it has impacted, instead of exiting the body and posing a potential hazard to anyone who may be downrange from the suspect.

- b. The bullet/pellet-cluster must have a high probability of "stopping" the suspect decisively within a few moments of its impact in any part of the main body cavity.
 - c. The bullet must have a low probability of producing a harmful projectile as a result of ricocheting.
 - d. The ammunition must produce manageable recoil and muzzle blast so that the Officer can effectively control the firearm under rapid fire.
3. Approved Brand(s) and Types; The following ammunition must be carried as standard in firearms used by the Department.
- a. Shotgun; 12 gauge, 00 Buck and Slug 2 3/4" to 3" Magnum.
 - b. Uniform duty sidearm; .40 caliber
 - c. Patrol Rifle; .223 caliber
 - d. Off-duty and secondary sidearm; To match approved calibers for this purpose
4. Purchase of Ammunition: The department will provide training and service ammunition for department-issued firearms only. Officers carrying privately owned rifles must provide their own training and service ammunition. This ammunition must be pre-approved by the Lead Firearms Instructor.
5. Rotation of Ammunition; The Lead Firearms Instructor will insure that ammunition is purchased on a timely basis and rotated annually.

323.05 TRAINING

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

323.06 REQUIREMENTS

1. STANDARDS OF QUALIFICATION

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

2. MANDATORY FIREARM COURSES

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

3. SAFETY CONDITIONS

- a. Eye protection must be worn by the Officers and coaching Officer. Prescription lenses are approved to serve this purpose.
- b. Hearing protection must be worn by the Officers and coaching Officer.

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

4. UNSUPERVISED TRAINING

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

323.06

Firearms

- a. Carrying Sidearm - When an Officer's sidearm is in the holster, it will always be fully loaded and ready for immediate use. The position of the manual safety and the position of the hammer will be as follows:
 - i. Double-action autoloader - Chamber loaded, hammer all the way forward, safety on or off, at the Officer's option.

- g. Shotgun/Patrol Rifle: If a shotgun or patrol rifle has been armed, it must be returned to the loader's safe condition as soon as the danger has passed and is safe to do so.
 - i.
 - ii. In patrol vehicles, shotguns or patrol rifles must remain in a locking device and in the loader's safe condition, so that it cannot be fired in place without the lock being opened.

- h. Warning/Signal Shots prohibited; officers are prohibited from firing warning / signal shots. Firing warning or signal shots can cause terror and panic in the public who witness or hear it. Firing usually requires Officers to momentarily take their eyes off a potentially homicidal suspect and places innocent bystanders in danger of being struck by ricocheting bullets/pellets. Warning/signal shots can cause other Officers to mistakenly believe that a suspect is deliberately firing at Officers resulting in a tragic, unwarranted shooting.
 - i.
 - j. Firing from Moving Vehicles Prohibited; Except when the probability of injury to innocent persons is less than the probability of injury when firing outside of a moving vehicle.

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

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 324.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: SEXUAL HARASSMENT

PURPOSE

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

324.01 POLICY

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

324.02 EXAMPLES OF SEXUAL HARASSMENT

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

324.03 REPORTING OF SEXUAL HARASSMENT

1. Any employee who feels that he or she is being subjected to sexual harassment in any form, or who believes he or she has witnessed sexual harassment, should contact the Chief of Police or the Office of the Solicitor General.

2. If you believe you have been sexually harassed, you may contact the following:

Mille Lacs Band Human Resources
320-532-4181

3. No retaliation of any kind will occur because you have reported an incident or suspected sexual harassment. We encourage you to help us keep the Mille Lacs Band Police Department free of harassment.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 325.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: AUGUST 28, 2015

SUBJECT: DOMESTIC ABUSE

PURPOSE

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

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

325.01 INTRODUCTION

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

325.01 DEFINITIONS

1. Domestic Call: means a request for law enforcement assistance in general regard to: (1) physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (2) terroristic threats (Minn. Stat Sec. 609.713, subd. 1) or criminal sexual conduct in the first through fourth degree, committed against a family or household member, (Minn. Stat. Sec. 518B.01, subd. 2 (a).
2. Domestic Abuse has the meaning given it in Minn. Stat. 518B.01, subd. 2(a), which states: Domestic abuse means the following, if committed against a family or household member by a family or household member:
 - a. physical harm, bodily injury, or assault;
 - b. the infliction of fear of imminent physical harm, bodily injury, or assault; or
 - c. terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2
3. Domestic Abuse No Contact Order (DANCO): is an order issued under Minn. Stat. 629.75 by a judge in criminal court limiting contact between a defendant and a victim of domestic abuse. DANCOs may be issued as pretrial condition of release and/or as a probationary condition of sentence.
4. Domestic Abuse Program: means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.
5. Child: means person under the age of 18.
6. Family or Household Members: mean spouses, former spouses, parents and children, persons related by blood and persons who are presently residing together or who have resided together in the past and persons who have a child in common or where the women is pregnant regardless of whether they have been married or have lived together at any time or persons involved in a significant romantic or sexual relationship.
7. Harassment: has the meaning given to it in Minn. Stat. 609.748, subd. 1(a): a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.
8. Harassment Restraining Order (HRO): is an order issued under Minn. Stat. 609.748 by a judge in civil court when a petitioner requests a court order preventing another person

from having contact with him/her. These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, e-mail, social media and contact through a third party) and may limit the respondent's ability to come within a certain distance of the petitioner's home, work or school. This type of order can be issued no matter what the relationship between the individuals involved. Violating an HRO is a crime.

9. Qualified domestic violence-related offense (QDVRO): has the meaning given it in Minn. Stat. 609.02, subd. 16 and includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; and violation of domestic abuse no contact order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories
10. Stalking: has the meaning given to it in Minn. Stat. 609.749, subd. 1: engaging in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

325.03 RESPONDING TO DOMESTIC CALLS

1. The Officer should respond directly and without unreasonable delay to the scene.
2. Upon arriving at the scene, Officers will activate their body worn camera prior to making contact with subjects at the scene. Officers should identify themselves as Officers, explain their presence and request entry into the home. The Officers should ask to see the person who is the subject of the call. If the person who called is someone other than the subject of the call, the Officer should not reveal the caller's name. The Officers should check that all of the occupants are safe.
3. Entry
 - a. Refused - If refused entry, Officers must persist about seeing and speaking alone with the victim. If access to the victim is refused, Officers should request the dispatcher to contact the caller.
 - b. Forced Entry - If access is still refused and the Officers have reason to believe that a person is in imminent danger, Officers are permitted to force entry.

- c. Search Warrant Entry - If Officers are refused entry and have no legal grounds for forced entry and they have reasonable grounds to believe a crime has been committed, they should contact the supervisor and request permission to obtain a search warrant.
- 4. After securing the scene, responding Officers shall render the necessary first aid.

325.05 ARRESTS

1. EVIDENCE AND PROBABLE CAUSE

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

- a. Condition of clothing;
 - b. Weapons that may have been used;
 - c. Property damage;
 - d. Excited utterances of the victim and the suspect;
 - e. Demeanor of the victim and the suspect;
 - f. Medical records including the victim's statements to paramedics, nurses and doctors;
 - g. Digitally recorded interviews of witnesses including the children who may have been present; and
 - h. Evidence of domestic abuse-related convictions, Orders for Protection or contact orders, including dates and which jurisdiction, which may provide the basis for enhancement to a gross misdemeanor or felony charge.
2. In determining whether to arrest, Officers MAY NOT consider:
- a. Marital status, sexual orientation, race, or cultural, social, political or professional position;
 - b. Ownership, tenancy rights of either party or the fact the incident occurred in a private place;

- c. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction;
- d. Verbal assurance that the abuse will stop;
- e. Disposition of previous police calls involving same victim or suspect;
- f. Denial by parties that abuse occurred when there is evidence that the abuse occurred;
- g. Lack of a court order restraining or restricting the suspect;
- h. Concern about reprisals against the victim;
- i. Adverse financial consequences that might result from the arrest;
- j. Chemical dependency or intoxication of the parties; and
- k. Victim's lack of desire to make an arrest.

4. **Predominant Aggressor and Dual Arrests:** The agency shall discourage dual arrest¹. Where there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor based on the following criteria and the officer's judgment:

- a. comparative extent of any injuries inflicted,
- b. fear of physical injury because of past or present threats,
- c. actions taken in self-defense or to protect oneself
- d. the history of domestic abuse perpetrated by one party against the other, or the existence or previous existence of an order for protection.

325.06 TYPES OF CHARGES AND ARRESTS

1. CITATIONS PROHIBITED

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

325.07 AUTHORITY AND TYPES OF ARREST

1. **Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault:** Although the general rule is that officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime requests an arrest) domestic assault is an exception. A peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not take place in the presence of the peace officer (Minn. Stat. 629.341). A peace officer acting in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability that might result from the officer's action.

NOTE: An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other individual with whom the charged person resides (Minn. Stat. 629.72).

2. **Level of Arrest for Fifth Degree Assault and Domestic Assault:** Misdemeanor, Gross Misdemeanor and Felony: Assault in the Fifth Degree and Domestic Assault are deemed misdemeanor offenses. However, changes in the statutes have greatly increased the potential for arrests for these crimes at the gross misdemeanor and felony level.
 - a. **Gross Misdemeanors:** Minn. Stat. 609.224, subd. 2(a), Assault in the Fifth Degree, provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency in Minnesota, or any similar law of another state.

If the charge is Domestic Assault (Minn. Stat. 609.2242) and the current victim is a family or household member and the crime occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.
 - b. **Felonies:** If a person commits Assault in the Fifth Degree against the same victim within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, Assault in the Fifth Degree becomes a felony. The same enhancement applies to Assault in the Fifth Degree against any victim occurring within three years of the first of two or more of these convictions.

Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member. According to Minn. Stat. 609.2247, subd. 2., whoever assaults a family or household member by strangulation is guilty of a felony.

3. Stalking: The acts which constitute stalking according to Minn. Stat. 609.749 include several which are frequently applicable to domestic abuse situations even when no actual assault occurred.

- a. **Gross Misdemeanors:** A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:
- directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
 - follows, monitors, or pursues another, whether in person or through any available technological or other means;
 - returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
 - repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
 - makes or causes the telephone of another to repeatedly or continuously ring;
 - repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistance devices for the visually or hearing impaired, or any communication made through any available technologies or other objects; or
 - knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

Also, according to Minn. Stat. 607.749., subd.1a., the State does not have to prove the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated. The intent of the defendant is immaterial. Obtaining a complete domestic abuse history is usually the key to making the determination that the current act, under the circumstances, constitutes the crime of stalking.

- b. **Felony/Felony Enhancements:** A person who commits any offense described in 3.a) (see above) against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony.

Any of the above gross misdemeanors is enhanceable to a felony if committed within ten years of a previous QDRVO conviction or adjudication of

delinquency OR if committed against a juvenile OR if committed while possessing a dangerous weapon.

In addition, it is a felony to engage in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. According to Minn. Stat. 609.749, subd. 5, a “pattern of stalking conduct” means two or more acts (convictions are not necessary) within a five-year period that constitute any of the following offenses: murder, manslaughter, terroristic threats, fifth-degree assault, domestic assault, violation of domestic abuse orders for protection, violation of harassment restraining orders, certain trespass offenses, interference with an emergency call, obscene or harassing telephone calls, letter, telegram, or package opening or harassment, burglary, damage to property, criminal defamation, first- to fifth-degree criminal sexual conduct, and violations of domestic abuse no contact orders.

The stalking statute makes it more important than ever to document not just the facts of the current police call but also the history of abuse or stalking.

- c. Venue (Minn. Stat. 609.749, subp. 1b.): If a suspect commits acts of stalking in different counties, the acts may be consolidated and prosecuted in any county in which one of the acts was committed. If the conduct that constitutes stalking is done through use of a wireless or electronic communication device, the conduct can be prosecuted in the county where either the suspect or victim resides.
4. **Probable Cause Warrantless Arrest:** The domestic abuse arrest statute (Minn. Stat. 629.72) provides an officer may not issue a citation in lieu of arrest in harassment/stalking, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order cases. According to Minn. Stat. 629.34, subd.1(c)(5) an officer may also make a warrantless probable cause arrest even if the offense did not occur in the officer’s presence if the officer has reasonable cause to believe the offense was a gross misdemeanor or felony (no 72 hour restriction).
5. **Probable Cause Felony Arrests for Other Crimes:** At a domestic call peace officers shall consider whether other felonies have been committed including but not limited to, burglary, felony assault, terroristic threats, kidnapping, false imprisonment, and witness tampering.

NOTE: An Assault 5 may be chargeable as burglary in the first degree even if the home is also the offender’s if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.

6. **Violation of Court Orders:** The peace officer shall verify whether any of the following orders exist before or during an arrest. The peace officer or someone acting at the officer's direction may make this verification. Methods of verification include personally seeing a copy of the order or obtaining verification from the court or law enforcement agency that has the actual order. The police report shall include identifying information of the specific court order violated, including county of origin, the file number, and the provision allegedly violated.

- a. **Order for Protection (OFP):** A peace officer shall arrest and take into custody without a warrant a person who the peace officer has probable cause to believe has violated any condition of an OFP granted pursuant to 8 MLBSA Sec. 414 and Minn. Stat. 518B.01, subs. 6, 7, and 9. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the officer can verify the existence of the order.

NOTE: Minn.Stat. 518B.01, subd. 18(a)(2), states that an OFP is not voided even if the respondent was invited back to the residence by the petitioner, and there is no hour limitation for a warrantless arrest for a violation of an OFP.

A violation of an OFP is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within ten years of discharge from sentence for conviction of violation of an OFP or for any conviction of assault, terroristic threats, violation of a harassment order or harassment/stalking. It is enhanceable as a felony if it occurs within ten years of discharge of the first of two or more such convictions.

OFPs and DANCOs can be verified on the State MNJIS system, also known as the Hot Files. HROs are not in the Hot Files system at this time but are still enforceable.

- b. **Harassment Restraining Order (HRO):** A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order pursuant to Minn. Stat. 609.748, subs. 4 and 5, if the officer can verify the existence of the order.

NOTE: A person who violates an HRO is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable to a gross misdemeanor if it occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Per Minn. Stat. 609.748, subd. 6, (d), it is enhanceable to a felony if the person knowingly violates the order:

1. within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency;
 2. because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in section 363A.03), age, or national origin;
 3. by falsely impersonating another;
 4. while possessing a dangerous weapon;
 5. with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.414, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or
 6. against a victim under the age of 18, if the respondent is more than 36 months older than the victim.
- c. Domestic Abuse No Contact Order (DANCO) (Minn. Stat. 629.75): A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a DANCO, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer.

The pretrial DANCO is sometimes continued at the time of sentencing with a new, probationary DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicated in the order.

The court may rescind a DANCO at any time. However, a victim's production of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

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

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

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

NOTE: Minn. Stat. 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to Minn. State. 629.341, subd. 3.

2. **Notice of Crime Victims Rights:** The peace officer shall enter victim notification information into RMS in prebooking or MNI within the associated ICR. Officer will make a diligent effort to ensure the information is current.

NOTE: It is important to routinely review these forms to ensure that they are current, in compliance with the law, and contain the name of the local domestic abuse program. The Department of Public Safety, Office of Justice Programs, produces the crime victim's rights notice and serves as the contact for the victim's rights information.

3. **Services:** The peace officer should contact the local domestic abuse program by phone as soon as possible on all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action. This section shall not apply if prohibited by the Minnesota Government Data Practices Act (Minn. Stat. 13.82, subd. 10.).

325.08 CHILDREN

1. **Child Victims:** If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of MLBSA Sec 301 and Minn. Stat. 626.556, Reporting of Maltreatment of a Minor. The officers shall also attempt to verify whether there has been an Order for Protection (Minn. Stat. 260C.201). If the child has been injured, the officer should escort the child to the nearest hospital for treatment.
2. **Childcare;** If the legal parent or guardian of a child cannot provide care (for example, when the victim is hospitalized), the Officer should consult with the legal guardian on determining the disposition of the child and should make a good faith attempt to follow the request of the legal guardian or parent. If a family member or individual consented to by the legal guardian or parent to care for the child is not located,

Officers will contact family services (Mille Lacs Band and/or County of jurisdiction and request their assistance in placement of the child.

3. Immediate Danger; If the Officer reasonably believes that the child's immediate surroundings or conditions endanger the child's health and welfare, the Officer may take the child into immediate custody pursuant to 8 MLBSA Sec. 203 and/or Minn. Stat. Sec. 260.165 Subd. 1 (c) (2). Officers will contact family services, Mille Lacs Band or County of jurisdiction for their assistance in placement of the child.

325.09 REPORTS AND FORMS

1. Written Report: Peace officers shall make a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following:
 - a. detailed statements from the victim, suspect and witnesses;
 - b. description of injuries;
 - c. information about past abuse;
 - d. description of the scene;
 - e. predominant aggressor;
 - f. existence of language barriers;
 - g. presence of elderly victims or those with disabilities; and
 - h. documentation of evidence.

325.10 FURTHER INVESTIGATION

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

Enhancements Table

Conviction means a plea of guilty or verdict of guilty accepted by the court (Minn. Stat. § 609.02, subd. 5).

Discharge from Offense means the time between conviction and the end of 5 years following discharge from sentence for that offense.

QDVRO means a “Qualified Domestic Violence Related Offense” which includes a violation of or an attempt to violate a domestic abuse order for protection; first or second-degree murder; first through fifth-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth-degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; and violation of domestic abuse no contact order (DANCO); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. (Minn. Stat. 609.02, subd. 16)

Offense	Victim of Offense	Time Limit	Prior Conviction	Offense Level
Assault 5	Same Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1 st of 2 or more convictions	QDVRO	Felony
	Any Victim	w/in 3 years of conviction	QDVRO	Gross Misdemeanor
		w/in 3 years of 1 st of 2 or more convictions	QDVRO	Felony
Domestic Assault	Family/Household Member (as defined in Minn. Stat. 518B.01, subd. 2.)	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of 1 st of 2 or more convictions for Domestic Assault or Assault 5	QDVRO	Felony
Malicious Punishment	Any Victim	w/in 5 years of discharge	Assault 1-5, Domestic Assault, Malicious Punishment, Criminal Sexual Conduct 1-4, or Terroristic Threats	Felony
Violation of Order for Protection or Harassment Restraining Order	Any Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1 st of 2 or more convictions	QDVRO	Felony
Stalking	Any Victim	w/in 10 years of conviction	QDVRO	Felony
Interference w/ Privacy	Any Victim	None	Interference w/ Privacy or Stalking	Gross Misdemeanor

Example of Enhancement Reachback:

Arrest for Assault 5 & Malicious Punishment	1/1/2013
Plea (Accepted) to Assault 5 & Malicious Punishment (Conviction)	6/1/2013
Sentence of 2 years of probation	8/1/2013
Expiration of reachback for any victim for Assault 5	6/1/2016
Discharge from sentence	8/1/2015
Expiration of reachback for any victim for Malicious Punishment	8/1/2020
Expiration of reachback for same victim for Assault 5	6/1/2023

Domestic Violence By Police Officers

Definitions:

Law Enforcement Officer means any peace officer as defined in Minnesota Statute 609.487, subd. 2.

Domestic Violence means domestic abuse as defined in Minnesota Statute 518B.01, subd. 2 and 18 U.S.C. 921 (33)

Stalking means behavior as defined in Minnesota Statute 609.749, subds. 1 and 2.

Qualifying Protective Order means court orders as described in Minnesota Statute 518B.01, including Orders for Protection and Domestic Abuse No Contact Orders as well as court orders as defined by 18 U.S.C. 922 (8), including all Tribal Court Orders for Protection.

Sexual Assault means any behavior as defined in Minnesota Statutes 609.342, 609.343, 609.344, 609.345, and 609.3451.

The profession of law enforcement is not immune from members committing domestic violence, stalking or sexual assault against their intimate partners and/or family members. The purpose of this section is to establish procedures for the prevention and handling of these acts of domestic violence, stalking or sexual assault committed by law enforcement officers.

- a. The department may, either in response to observed warning signs or at the request of a law enforcement officer, intimate partner, or other family member, provide non-punitive avenues of resources before an act of domestic violence, stalking or sexual assault occurs.
- b. Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department/Mille Lacs Band EAC to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- c. All reports of possible criminal activity implicating Officers in domestic violence, stalking or sexual assault situations shall be documented in accordance with the policies governing the handling of reports of domestic violence, stalking or sexual assault involving civilians.
- d. The on-scene supervisor or Primary Officer assigned to the call, if there is not a supervisor on duty, shall forward a copy of the report alleging domestic violence, stalking or sexual assault by the law enforcement officer to the Chief of Police. This may be done through notification via the LETG system.
- e. Officers will give victim(s) information on obtaining help from the Mille Lacs Band Women's Project and/or the Pearl Crisis Center. Officers also shall notify the Mille Lacs Band Women's Project and/or the Pearl Crisis Center at the time of the assault or incident.
- f. Officers who engage in the following actions may be subject to discipline up to and including dismissal:
 - g. Failure to report knowledge of domestic violence, stalking or sexual assault involving another law enforcement officer.

- h. Failure to cooperate with the investigation of another law enforcement officer's domestic violence, stalking or sexual assault case (except in the case where that law enforcement officer is the victim.)
- i. Interference with cases involving themselves or fellow law enforcement officers.
- j. Intimidation/coercion of witnesses or victims. (ie.,surveillance, harassment, stalking, threatening, or falsely reporting)
- k. Failure to complete a thorough report. In all cases of domestic violence, stalking or sexual assault involving a law enforcement officer, reports should be forwarded to the prosecuting authority for review and/or charges.

- l. If a law enforcement officer is arrested for domestic violence, stalking or sexual assault, the immediate seizure of weapons from the arrested law enforcement officer shall be pursuant to the individual agency's policies and procedures and/or court order. All state and federal statutes, laws and rules shall apply. The ongoing possession and eligibility to carry any weapon by the arrested law enforcement officer shall be in accordance with all state and federal statutes, laws and rules.
- m. The surrender of weapons from law enforcement officers who are the subject of personnel misconduct investigations shall be pursuant to this manual's policies and procedures.

- n. Officers who are named in protective orders shall be subject to state and federal statutes, laws and rules with regard to any weapons.
- o. If the Chief is the suspect or offender, the responding law enforcement officer will notify the Deputy Chief of Police. If the Chief is arrested, all applicable agency policies and procedures shall be adhered to with regard to the surrender of weapons. All state and federal statutes, laws and rules pertaining to the possession and eligibility to carry weapons shall apply.
- p. Officers who learn they are the subject of a criminal investigation of domestic violence, stalking or sexual assault, regardless of jurisdiction, are required to immediately make a report to their supervisor or administration and provide notice of the court dates, times, appearances, and proceedings.
- q. Officers who learn they are the subject of a qualifying protective order, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor or administration and provide a copy of the order, if issued. If subject to a qualifying protection order, the law enforcement officer shall surrender all department issued firearms. Officers who are the subject of a qualifying protective order shall be subject to all federal and state statutes, laws and rules with regard to the possession of and eligibility to carry a weapon.
- r. If the suspect of a domestic assault, stalking or sexual assault is a Mille Lacs Tribal Police Officer, the case shall be investigated by another agency at the time the call is responded to, or as soon thereafter as possible. This decision shall be made by the on duty supervisor or the Primary Officer if there is not a supervisor on duty. After the initial investigation, the case shall be reviewed by the Chief or their designee the next business day for submission to another law enforcement agency for review in order to avoid any perceived or actual conflict of interest.

- s. The Chief of Police adhering to Minnesota Data Practices will notify the employing agency of the arrested law enforcement officer by the next business day.
- t. The Chief of Police will see that the victim is afforded all the rights and protections under the Family Violence Protection Act.
- u. A supervisor of the respective agency **will be called** to the scene when there is a call on a law enforcement officer involved domestic violence, stalking or sexual assault incident. No Officer shall be the only arresting Officer on a scene involving a fellow law enforcement officer. Officers, , shall run an audio recorder.
- v. Once an arrest is made and goes to charge, the Chief will address with the department officers the conduct of acting in support of the Officer being charged. No Officer shall intimidate victims through dress (uniform) when attending a court proceeding involving the victim of the crime. There will be no intentional acts of intimidation against the victim. If an Officer is not on duty they are not to use department equipment to attend a court proceeding.
- w. Communication officers/dispatchers receiving domestic violence, stalking or sexual assault calls involving law enforcement officers will enter a call for service and notify the appropriate supervisor or senior law enforcement officer. Communication officers/dispatchers will also preserve the original documentation of the facts of the call, including the 911 tape for potential use in administrative or criminal investigations.
- x. All Officers will adhere to the Minnesota Law Enforcement Code of Ethics when working with cases involving officer-involved domestic violence, stalking or sexual assault.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 326.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 9, 2010

SUBJECT: MISSING OR ENDANGERED PERSONS

PURPOSE:

It is the policy of the Mille Lacs Tribal Police Department to establish guidelines and responsibilities for the consistent response to and investigation of all reports of missing and endangered persons as defined in Minnesota Statutes , Chapter 299c.52 subd. 1 (c) and (e) (“Minnesota Missing and Endangered Persons’ Program” referred to as Brandon’s Law). The statutorily mandatory procedures are highlighted in **bold print**. This policy addresses investigations where the person missing has been determined to be both missing *and* endangered and includes all procedures required by Minnesota Statutes Chapter 299C.52.

326.01 INTRODUCTION

The Mille Lacs Tribal Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. Decisions made during the preliminary stages have a profound affect on the outcome of the case. The Department has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers , employed by this agency, will be informed of and comply with the procedures contained in this policy.

326.02 DEFINITIONS:

1. “Missing” means the status of a person after a Law Enforcement agency received a report of a missing person, conducted a preliminary investigation and determined that the person cannot be located. Minn. Stat. Sec. 299C.52, subd. 1, (c).
2. “Endangered” means a Law Enforcement official has received sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:
 - The person is missing as a result of a confirmed abduction or under circumstances that indicate that the person’s disappearance was not voluntary.
 - The person is missing under known dangerous circumstances.
 - The person is missing more than 30 days.
 - The person is under 21 and at least one other factor in this paragraph is applicable.
 - There is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person’s health if the person does not receive the needed care or medication.
 - The person does not a pattern of running away or disappearing.

- The person is mentally impaired.
 - There is evidence that the person may have been abducted by a noncustodial parent.
 - The person has been the subject of past threats or acts of violence.
 - There is evidence the person is lost in the wilderness, back county, or outdoors where survival is precarious and immediate and effective investigation and search and rescue efforts are critical.
 - Any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.
3. “Child” means any person under the age of 18 years or any person certified or known to be mentally incompetent. Minn. Stat. Sec. 299C.52, subd. 1, (a).
 - 4.. “NCIC” means the National Crime Information Center.
 5. “CJIS” means the Criminal Justice Information System.
 6. “DNA” means deoxyribonucleic acid from a human biological specimen. (Minnesota Statutes, Chapter 299C.52subd.1 (f).

326.03 PROCEDURES - GENERALLY

This agency will respond according to the following six types of general procedures:

- Initial Response
- Initial Investigation
- Investigation
- 30 Day Benchmark
- Prolonged Investigation
- Recovery/Case Closure

326.04 INITIAL RESPONSE:

1. **As required by Minnesota Statutes, Chapter 299C.53, subd 1(a) Law Enforcement shall accept, without delay, any report of a missing person.** Law enforcement shall not refuse to accept a missing person report on the basis that:

- The missing person is an adult.
- The circumstances do not indicate foul play.
- The person has been missing for a short period of time.
- The person has been missing for a long period of time.
- There is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance.
- The circumstances suggest that the disappearance may be voluntary.
- The reporting person does not have personal knowledge of the facts.

- The reporting person cannot provide all of the information requested by the law enforcement agency.
 - The reporting person lacks a familial or other relationship with the missing person.
 - For any other reason, except in cases where the law enforcement agency has direct knowledge, that the person is , in fact, not missing and the whereabouts and welfare of the person are known at the time the report is filed.
2. Dispatch an officer , to the scene, to conduct a preliminary investigation to **determine whether the person is missing, and if missing, whether the person is endangered.**
 3. Obtain interpretive services if necessary.
 4. Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s). Interview the individual(s) who last had contact with the missing person.
 5. Determine when, where, and by whom the missing person was last seen.
 6. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for a recent photo of the missing person.
 7. **Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.**
 - As required by 42 U.S.C. 5779(a) (Suzanne's Law) law enforcement shall within (2) hours enter missing children less than 21 years of age into the NCIC.
 - All reports shall include the child's name, DOB, sex, race, height, weight, eye and hair color.
 - The date and location of the last known contact with the child
 - And the category under which the child is reported missing.
 - The information will be made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive the information.
 - No later than 60 days after the original entry into NCIC and the State system, verify and update the record with any additional information, including medical and dental records.
 - Institute and assist with appropriate search and investigative procedures.
 - Maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in missing children cases.
 - As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), if the person is determined to be missing and endangered, the agency shall

immediately enter identifying and descriptive information about the person into the NCIC.

8. **Enter complete descriptive information regarding suspects/vehicle in the NCIC system.**
9. Request investigative and supervisory assistance.
10. Update additional responding personnel.
11. Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use the National Law Enforcement Telecommunications Systems (NLETS) and the Minnesota Crime Alert Network to alert state, regional and federal Law Enforcement agencies.
12. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
13. Secure the crime scene and/or last known position of the missing person and attempt to identify and interview persons in the area at the time of the incident.
14. Obtain the protect uncontaminated missing person scent articles for possible use by canine searches
15. Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network).
16. **As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension if the person is determined to be an endangered missing person. Request assistance as necessary.**
17. Implement multi-jurisdictional coordination/mutual aid plan as necessary such as when:
 - The primary agency has limited resources
 - The investigation crosses jurisdictional lines.
 - Jurisdictions have pre-established task forces or investigative teams.
18. Based on the preliminary investigation, determine whether or not a physical search is required. If so, begin implementing the Reflex Tasking Phase or your agencies' Search Plan immediately pursuant to Minnesota Statutes, Chapter 387.03. Simultaneously, conduct an Initial Investigation.

326.05. INITIAL INVESTIGATION

1. Conduct a neighborhood/ vehicle canvass.
2. Arrange for use of helpful media coverage.
3. Maintain records of telephone communications / messages.
4. Ensure that everyone at the scene is identified and interviewed separately.
5. Search the home or building where the incident took place and conduct search including all surrounding areas. Obtain consent or a search warrant if necessary.
6. Assign an investigator or officer whose duties will include coordination of the investigation.

326.06. INVESTIGATION

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

7. Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
8. Create a Missing Persons, Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc. Update the NCIC file, as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
9. Interview delivery personnel including employees of gas, water, electric and cable companies; school bus drivers; post office; sanitation company; etc.
11. For persons' under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
12. Determine what assistance is necessary and utilize local and state resources related to specialized investigative needs, including:
 - A. Searches and Available Resources
 - Ground Searches-personnel, vehicles, and/or mounted patrols/civil air patrol.
 - Canine Assisted-Tracking, Trailing, Air Scent, Disaster and Human Remains Detection K-9's.
 - Water and underwater searches- Boats, cameras, sonar and dive teams.
 - Air Searches- Civil Air Patrol, National Guard Helicopters, State Patrol, DNR and fixed wing.
 - Cave searches
 - B. Investigative Resources
 - Child interviewing
 - Polygraph
 - Profiling/behavioral analysis
 - Minnesota Sex and Violent Crime Analysis Programs
 - Crime analysis/computer assistance
 - Forensic artistry/Crime scene and evidence processing
 - Memory retrieval
 - C. Interpretive Services
 - D. Telephone Services (traps, traces, triangulation, etc.)
 - E. Media Assistance (Local and National)
13. Secure electronic communication information such as the missing person's cell Phone number, email address(s) and social networking site information.
14. Appoint an officer who shall be responsible to communicate with the family/ Reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or

designee.

15. Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute and person(s) criminally in the disappearance.

***** MISSING FOR OVER 30 DAYS**

If the person remains missing after 30 days from entry into NCIC the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received)

- * **DNA samples from family members and, if possible, from the missing person.**
- * **Dental information and x-rays**
- * **Additional photographs and video that may aid the investigation or identification.**
- * **Fingerprints and other specific identifying information.**
- * **This information will be entered into the appropriate databases by BCA Clearinghouse personnel.**
- * **If the person is still missing after 30 days, change the NCIC classification to endangered.**

326.07 **PROLONGED INVESTIGATION**

1. Develop a profile of the possible abductor.
2. Consider the use of polygraph for the parents, spouse, and other key individuals.
3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
4. Review all potential witness / suspect information obtained in the initial investigation and consider background checks on anyone identified in the investigation.
5. Develop time-line and other visual exhibits.
6. Critique results of the on-going investigation with appropriate investigative resources.
7. Arrange for periodic media coverage.

8. Use rewards and crime stoppers programs.
9. Update NCIC Missing Person File information as necessary.
10. Re-contact the National center for Missing and Exploited Children (NCMEC) for age progression assistance.
11. Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
11. Maintain contact with the family and/or the reporting party or designee as appropriate.

326.08 RECOVERY / CASE CLOSURE

ALIVE

1. Verify that the located person is the reported missing person.
2. Conduct a careful interview of the person, document the results of the interview and involve all appropriate agencies.
3. If appropriate, arrange for a comprehensive physical examination of the victim.
4. Notify the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
5. Dependent on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
6. Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc.), remove case from NCIC (as required by MN Statute 299C.53 subd 2) and other information Systems and remove posters and other publications from circulation.
7. Perform constructive post-cause critique. Re-assess the procedures used and Update the department's policy and procedures as appropriate.

DECEASED

1. Secure the crime scene.

- 2 Contact coroner, medical examiner or forensic anthropologist to arrange for body Recovery and examination.
- 3 Collect and preserve any evidence at the scene.
- 4 Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
- 5 Cancel alerts and remove case from NCIC and other information systems, remove Posters and other publications from circulation.
- 6 Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 327.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: CLAIMS AGAINST THE DEPARTMENT OR BAND
GOVERNMENT

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 328.0
EFFECTIVE DATE: SEPTEMBER 21, 2005
SUBJECT: TAKE HOME CAR POLICY

PURPOSE

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

329.01 POLICY

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

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

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

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

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 329.0
EFFECTIVE DATE: MARCH 1, 1996
SUBJECT: HATE/BIAS CRIMES

PURPOSE

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

329.01 POLICY

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

329.02 DEFINITIONS

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

329.03 INITIAL RESPONSE PROCEDURES

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

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

329.04 SUPERVISOR'S RESPONSIBILITIES

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

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

329.05 INVESTIGATOR'S RESPONSIBILITIES

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

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

329.06 COMMUNITY RELATIONS / CRIME PREVENTION

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 330.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: HOSTAGE SITUATION

PURPOSE

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

330.01 GENERALLY

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

330.02 GUIDELINES

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 331.0

EFFECTIVE DATE: MARCH 1, 1996REVISED: OCTOBER 21, 2009

SUBJECT: "ALCO-SENSOR III" PRELIMINARY BREATH TEST

PURPOSE

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

331.01 STORAGE OF UNITS WHEN NOT IN USE

Units must be stored in their assigned carrying cases.

331.02 CALIBRATION OF UNITS

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

331.03 ADMINISTRATION OF ALCO-SENSOR III BREATH TESTS

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

331.04 MAINTENANCE OF UNITS

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 332.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: EXPLOSIVES

PURPOSE

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

332.01 GENERALLY

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

332.02 PROCEDURES

1. When such devices are found, Officers must secure the area to prevent injury to civilians.
2. Officers must notify supervisory personnel when any types of explosives are found.
3. In cases where a threat was received and a suspicious package located, Officers will evacuate the area in case of detonation. Officers will not handle any suspicious packages.
4. Bomb technicians will be called in to secure any suspicious package.
5. Investigators will be notified to conduct any follow up investigation in calls involving bomb threats. If a package is located the Investigator will come to the scene.

SMILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 333.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: REPOSSESSION - MOTOR VEHICLES

PURPOSE

To establish procedures for the peaceful repossession of motor vehicles.

333.01 MOTOR VEHICLES AS SECURITY INSTRUMENTS – TRUST LAND

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

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

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

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

333.02 MOTOR VEHICLE ON PUBLIC OR THIRD PARTY'S PROPERTY

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

333.03 MOTOR VEHICLE ON PRIVATE PROPERTY OF OWNER

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 334.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: EMPLOYEE TELEPHONE AND ADDRESS POLICY

PURPOSE

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

334.01 REQUIREMENTS OF EMPLOYEES

1. All employees of the Department must maintain a telephone at their residence.
2. At the start of their employment, employees must give their telephone number and address to the Chief.
3. Each employee shall immediately inform the Chief of any change of address or telephone number.
4. A personal cell phone may be used in lieu of a land line telephone.

334.02 RESTRICTIONS

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 335.0

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

SUBJECT: EMERGENCY NOTIFICATION OF THE CHIEF

PURPOSE

To establish a policy identifying and governing instances when the Chief of Police will receive notice of emergencies which emergency circumstances require the Chief of Police to be notified. Officers will follow the appropriate chain of command before notifying the Chief of Police.

INCIDENTS OF MANDATORY EMERGENCY NOTIFICATION

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 336.0

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

SUBJECT: CANINE UNIT

PURPOSE:

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

336.01 POLICY

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

336.02 DEFINITION

"Canine unit" means a canine handler and their assigned police canine.

336.03 PROCEDURES

1. Canine Unit Utilization

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

2. Unit Qualifications and Training

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

3. Use of Force and Injuries

a. Use of Force

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

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

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

2. Drug Detection

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

Baggage

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

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

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

5. K-9 Use and Care

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 337.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 29, 2009

SUBJECT: COURT APPEARANCES

PURPOSE

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

337.01 OFFICER'S DUTY

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

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

Officers who take annual or compensatory time over 30 hours must notify the Solicitor General's office, and their respective County Attorneys, to give notice they will not be available for court. This must be documented on the Leave Request Form, prior to approval by a supervisor for the requested time off. This form must be turned in 30 days prior to the first day of leave.

337.02 PREPARATION FOR COURT

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

337.03 COMPENSATION

Officers shall be compensated for:

1. Court appearances from the time scheduled to appear until the conclusion of hearing, cancellation of the hearing or the Officer is excused by the Court. Officers are guaranteed a minimum of (2) hours for court.
2. Officers are required to turn in a court overtime slip with their time sheets for every court appearance during the week. If an officer goes over the minimum two hours court time, the overtime slip with the adjusted hours must be signed by the prosecuting attorney. Officers who turn in an overtime slip with more than two hours and without a signature will only be compensated for two hours.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 338.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: MOTOR VEHICLE STOPS

PURPOSE

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

338.01 POLICY

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

338.02 STOPPING PROCEDURES

1. Stopping and Approaching Traffic Violators; The following procedures must be followed whenever possible but Officers should adjust to varying conditions such as roadway construction, volume of traffic and the urgency of making vehicle stops.
 - a. Officers may stop only when they have reasonable suspicion to do so.
 - b. Once a decision has been made to stop a motorist, the Officer shall select a location that provides reasonable safety . .
 - c. When a location is selected, the Officer shall notify dispatch of the, location, and vehicle license number. At the Officer's discretion or dispatcher's request, additional information may be exchanged.
 - d. Officers will signal the operator to stop at the far right of the roadway or at the safest shoulder by activating the overhead emergency lights and siren as necessary.
 - i.
 - ii. Should the violator stop abruptly in the wrong lane or location, the Officer should instruct the motorist to move by using the

appropriate hand signals or by activating the vehicle's public address system.

- e. Officers should position the police vehicle to provide the officer protection from passing traffic as they approach the vehicle.
- f. At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. Officers should use low beams if high beams would blind oncoming motorists.

Non-uniformed Officers operating unmarked patrol vehicles with concealed emergency lights and siren shall not normally make vehicle stops for traffic violations. Where failure to stop may result in death or significant property damage, the Officer shall contact the dispatcher to request a marked patrol unit to make the stop and may, depending upon the urgency of the situation, activate emergency lights and siren to make a traffic stop.

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

2. Issuing Citations

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

3. Oncoming Motorists

- a. Drive toward the extreme right side of the roadway and, as the violator approaches, signal violators to stop by using hand signals and emergency lights as they approach.

- b. Do not leave patrol vehicle when stopping oncoming motorists.
- c. If the violator complies with the Officer's instructions, the Officer should turn the vehicle around when it is safe to do so and appropriately position it behind the violator's vehicle. Officers will not "jump curbs, medians, etc." with the patrol vehicle unless in extreme emergencies or circumstances.
- d. If the violator fails to comply with the Officer's instructions, the Officer should turn the vehicle around and pursue, stop and approach the violator in the prescribed manner.

5. High-Risk Stops

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

away from the Officers, walk backward until commanded to stop, kneel, cross their feet and place hands behind their heads. Cuff and secure each person. Other occupants should be similarly commanded until all are in position to be handcuffed and searched.

- i. With appropriate cover, approach the suspect vehicle to inspect the passenger compartment and trunk.

6. Oversize and Overweight Vehicles

- a. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight. Allow the operator sufficient time and distance to make the stop.
- b. Approach the cab from the rear, using the driver's outside mirror to observe the driver and activity in the cab.
- c. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask the driver to exit the vehicle if and when necessary.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 339.0

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

SUBJECT: INFECTIOUS DISEASE POLICY

PURPOSE

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

339.01 RESPONSIBILITY

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

339.02 DEFINITIONS

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

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

339.03 PROCEDURES

1. Assaults

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

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

2. Cardiopulmonary Resuscitation

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

3. Searches and Crimes Scenes

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

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

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

b. Crime Scenes

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

4. Handling deceased persons and body removal

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

5. Autopsies

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

6. Forensic laboratories

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

339.04 VACCINATIONS

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

339.05 PERSONAL PROTECTIVE EQUIPMENT (PPE)

1. Personal Protective Equipment (PPE) supplied by the department consists of:

- a. Combination mask;
- b. Red biohazard disposal bag;
- c. Protective apron;
- d. Protective gloves; and
- e. Cleansing wipes with germ killing materials on them.

2. Disposal of contaminated PPE

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

339.06 POST EXPOSURE EVALUATION AND FOLLOW UP

1. Reports

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

2. Clinic

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

The health care professional will:

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

339.07 MANDATORY TRAINING

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

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

PURPOSE

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

340.1 POLICY:

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

340.2 PROCEDURE

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

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

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

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

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

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

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

340.3 DUPLICATION

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 341.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: INVESTIGATING SEXUAL ASSAULTS

PURPOSE

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

341.01 POLICY

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

341.02 DEFINITION

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

341.03 PROCEDURES

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

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

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

b. In initiating an investigation, the Officer should:

- j. Limit investigative questioning to identifying the victim and to describing and locating the suspect;
- k. Notify their supervisor, if not present, and make initial call to the Investigator if their supervisor is unavailable. If supervisor is on scene/or available via phone, the supervisor will contact the Investigator and brief them on the call. A determination will be made if the Investigator should respond or conduct follow up at a later date.
 - ii. Relay pertinent information to ECC personnel;
 - iii. Determine the victim's emotional and physical ability to answer questions concerning the assault and limit questioning accordingly;
 - iv. Conduct questioning in private and only by one Officer;
 - v. Generally, avoid asking detailed, intimate questions regarding the assault;
 - vi. Protect the crime scene including bedding, clothing and related materials and areas, and ask the victim not to wash until a medical examination has been performed;
 - vii. Request the victim's consent to undergo a medical examination, emphasizing its importance to investigative and apprehension efforts;
 - viii. Accompany the victim to the hospital and relay pertinent information concerning the assault to the examining physician;

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

3. Follow-up Investigation

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

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

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

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 342.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: OCTOBER 21, 2009

SUBJECT: INVESTIGATING CHILD ABUSE

PURPOSE

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

342.01 POLICY

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

342.02 DEFINITIONS

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

342.03 PROCEDURES

1. Reporting / Initial Complaint Response
 - a. Mandated Reporters
 - b. Public and private officials such as physicians, dentists, school employees, clergy and others must report child abuse and neglect. Officers shall record and respond to all reports of child abuse, neglect and abandonment irrespective of the source or method of reporting.
 - c. Officers shall conduct a preliminary interview with the reporting individual (when known) to determine the basis for the report. Officers should include the following information:
 - ii. A description of the abusive or neglectful behavior;
 - iii. Evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child;
 - iv. Description of suspicious injuries or conditions;
 - v. The nature of any statements made by the child concerning parental maltreatment; and
 - vi. Any evidence of parental indifference or inattention to the child's physical or emotional needs.
 - d. The physical condition of the child;
Officers will make contact with the victim to ensure their safety. Officers will note and photograph any injuries to the victim. If there are no injuries the officers will document the facts in a police report.
 - ii. A description of the abusive or neglectful behavior;
 - iii. Evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child;
 - iv. Description of suspicious injuries or conditions;
 - v. The nature of any statements made by the child concerning parental maltreatment; and
 - vi. Any evidence of parental indifference or inattention to the child's physical or emotional needs.
 - e. When the source of the report cannot be identified and / or time is not of the essence, a report of the complaint shall be made to the State and Tribal child protective authority as prescribed by law. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken with the child protection authority.
 - f. Officers shall take immediate action when:
 - i. The complaint warrants arrest or criminal prosecution;
 - ii. Officers will notify their supervisor unless the supervisor is on-scene. If a supervisor is not available Officers will contact the Investigator and brief them on the call. If a supervisor is available they will contact the Investigator. A determination will be made if the Investigator should respond or conduct follow up at a later time.

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

3. Background Investigation

- a. Investigating complaints of child abuse generally requires contacting several sources of information depending on the nature of the complaint and the scope of the abuse. In all but emergency situations, Officers should conduct this background before interviewing the family and / or the child.
- b. Determine whether a court protective order is in force with regard to the child or other members of the family. Conduct criminal background check on the suspect.
- c. Contact medical personnel, including family practitioners, emergency room staff and medical examiners, for information that confirms or suggests abuse. Certain types of injuries are particularly characteristic of physical abuse and are most incriminating when they do not correlate with parental explanations of how they occurred. They include:

- i. “Pattern” injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers, fingertip marks caused by tight gripping; straight, curved or curvilinear or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks;
 - ii. Injuries to specific body parts such as the genitals, buttocks or the rectum. Trauma to the torso, upper arms and thighs *in the absence of other common injuries* commonly suffered by children in play accidents such as skinned knees, elbows and forehead;
 - iii. Signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood;
 - iv. Bone fractures of small children and related injuries that are inconsistent with the child's level of maturity and risk of injury, such as spinal fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash), and fractures of long bones and joints that are suggestive of violent pulling, twisting or jerking of the extremities;
 - v. A history, pattern, or extent of injury that does not correlate with the alleged cause of death or means of injury;
 - vi. Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians and prior diagnosis of "failure to thrive;" and
 - vii. At autopsy, the presence of old injuries or other internal injuries that were not detectable through external examination.
- i. Social workers may have had prior contact with the suspect's family. These agencies may provide information on family background, employment, economic and domestic stability and previous contacts with child protective service agencies.
 - j. Schoolteachers may also provide some insight into cases of suspected child abuse through records of the child's attendance, grades, demeanor, socialization, motivation and perceived emotional stability.
 - k. Behavioral factors that may suggest child abuse include:
 - i. Recurrent injuries or complaints of parental physical mistreatment;

- ii. Marked changes in the child's behavior or level of achievement;
 - iii. Strong antagonism toward authority;
 - iv. Exaggerated reactions to being touched;
 - v. Withdrawal from peers or assaultive or confrontational behavior;
 - vi. Delinquent acts, running away from home or truancy; and
 - vii. Refusal to dress for physical education or dressing inappropriately.
- l. The foregoing indicators may also be used when interviewing neighbors or any other individuals who may have personal knowledge of the family situation.

4. Family Interview

- a. Information from the background investigation may provide sufficient reasonable suspicion to conduct an interview with the family and the child.
- b. If there is reason to believe that charges may be filed against the parents or others, interviews should be conducted at the law enforcement agency and the Officer must contact the prosecutor's office.
- c. A child protective social worker should participate with the investigator in the interview.
- d. The interview should be conducted in a non-accusatory, informal, fact-finding manner and questions should be presented in an open-ended format to allow parents or others complete latitude in responding.
- e. In determining whether to accept a parent's explanation, Officers should consider the following questions. (Findings consistent with those in parenthesis may indicate a greater likelihood of abuse.)
 - i. Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity and ability to walk or stand? (No)
 - ii. Was the parent's statement consistent with other evidence? (No)
 - iii. Do parents claim ignorance of critical details of the incident? (Yes)

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

6. Interviewing Children

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

- g. Reassure children that they are not to blame and not in trouble for what happened or for being asked questions.
- 5. Physical Evidence
 - a. Color photographs of injuries should be taken and preserved for evidentiary purposes by medical personnel or a same-sex Officer of this agency. All injuries should be described in writing and diagrammed.
 - b. X-rays should be taken, if appropriate, collected and preserved.
 - c. Photographs of the child's home conditions should be taken and preserved.
 - d. Clothing that contains evidence such as blood or semen stains and any objects used in the physical attack should be identified and preserved.
 - e. Any other items that relate to the abuse or neglect, such as guns, knives, drugs, poisons or related items in possession of the suspected perpetrator, should be identified and collected.
- 6. Training; This agency's training function shall be responsible for ensuring that Officers and investigators receive necessary training to effectively implement this policy.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 343.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED; OCTOBER 1, 2009

SUBJECT: CRIME SCENES

PURPOSE

To provide guidelines for responding effectively to major crimes.

343.01 POLICY

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

343.02 PROCEDURES

1. Initial Response

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

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

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

2. Preservation of the Crime Scene

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

- iii. Record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, handling of any items of evidentiary value or other actions.
 - c. Restrict all persons from the crime scene who are not directly involved in the investigation. In cases of homicides or other major crimes the Officer-in-charge (OIC) shall ensure that the identity of all persons entering the crime scene is recorded.
- c. Homicides and other major crime scenes should be approached only as needed in a single defined line in order to avoid destruction of footprints and other impressions and the contamination of scent rails that may be useful in canine searches. The "place last seen" of kidnapped or missing persons should also be protected in a similar manner.
- d.
- e. Officers will contact their Supervisor , unless the Supervisor is present. If a Supervisor is not present and unable to be contacted, Officers will notify the Investigator and brief them on the call. If a Supervisor is contacted, and/or at the scene, they will contact the Investigator. A determination will be made if the Investigator will respond or conduct follow up at a later date.

3. Collection of Evidence

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

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

- b. Officers shall comply with this agency's policy and procedures on "Evidence Control" for purposes of properly photographing, preserving, packaging and labeling criminal evidence.

Officers will not store evidence of a crime within their vehicles, office space, etc. All evidence will be properly tagged and entered into an intake evidence locker prior to the end of the officers shift. Unless circumstances arise where it is not feasible to do so, Officers will contact their supervisor for approval to turn in the next duty day.

4. Interviewing Witnesses

- a. The purpose and scope of these interviews is to gather as much basic information as possible about the crime at the earliest point possible in order to identify the perpetrator and establish the basis for the follow-up investigation.
- c. Witnesses at the crime scene shall be identified and preliminary interviews conducted as soon as possible.
- c. The neighborhood surrounding the crime scene should be canvassed as soon as possible to identify additional witnesses or others who may have some knowledge of the crime.

5. Crime Scene Reports

All Officers responding to a crime scene shall complete a report that, at a minimum, include:

- a. Date and time of arrival at the scene;
- b. Any relevant weather or situational conditions at the scene to include the status of the crime scene upon arrival (e.g., fire, crowds and initial observations);
- c. How the crime was discovered and reported and the relationship of reporting individuals to victims or others if appropriate;
- d. Physical evidence discovered and Officers responsible for collection (special note should be made of any valuables collected at the scene, such as currency or jewelry);
- e. Name, address and telephone number, or other appropriate identification of witnesses to the crime;

- f. Results of interviews with victims and witnesses to include in particular the identity or best possible description of suspects, method of operation, means of escape and any other pertinent identifying information;
- g. Diagrams, sketches, photographs, video tape or other similar information made at the scene or the identity of Officers or civilians who made such recordings; and

Recommendations for further investigation such as the names of witnesses or others that may be able to provide additional information

All reports shall be completed at the end of the officer's duty shift unless approval is granted by a Supervisor or the Investigator to turn the report in the next duty day.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 344.0
EFFECTIVE DATE: MARCH 1, 1996
SUBJECT: PHOTO LINEUPS

PURPOSE

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

344.01 POLICY

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

344.02 DEFINITIONS

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

344.03 PROCEDURE

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

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

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

2. Lineups

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

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

MILLE LACS TRIBAL POLICE DEPARTMENT OPERATINGS MANUAL

GENERAL ORDER: 345.0

EFFECTIVE DATE: July 1, 2004

REVISED DATE: OCTOBER 21, 2009

SUBJECT: **In-Car Cameras**

PURPOSE

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

POLICY

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

PROCEDURE

I. General Use.

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

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

II. CONTROL AND RETENTION

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

III. DUPLICATION

- A) Anytime a recording is to be duplicated for prosecution, it is to be done by the officer prior to being placed into evidence. Further duplications will be done by the Mille Lacs Tribal Police Department maintaining a secure chain of custody. The original is to remain in the custody of the Mille Lacs Tribal Police Department at all times until such time when the recording is needed for trial and then the recording will be used in court for trial. The recording will be tagged into "Evidence" under the LETG records management system and submitted to "Records Locker". Officers will then place the recording they have copied onto a "CD" and place it into the Records Technician box along with a case distribution sheet to be delivered to the County Attorney's Office. A bar code will be printed out of the LETG system and affixed to the "CD".
- B) Anytime a member of the prosecution or judiciary requires a copy of the recording, it will be provided at no charge.
- C) Requests for duplication of recordings from other public entities or private citizens shall be provided in accordance with data practices policy. The requestor must pay the fee for duplicating the recording prior to the copy being made. The fee for this service is \$50.00.

D) In no event will any recording be provided or duplicated and distributed by an officer without the express permission of a supervisor, (Prosecutor requests for tapes are exempt from this requirement). Officers will not make a duplicate recording for their own personal use. All data created and collected by Officers is property of the Mille Lacs Tribal Police Department and is not authorized for personal gain.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 346.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: STRIP AND BODY CAVITY SEARCHES

PURPOSE

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

346.01 POLICY

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

346.02 DEFINITIONS

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

346.03 PROCEDURES

1. Strip Searches

- a. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting Officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to, one or more of the following criteria:
 - i. The nature of the offense charged;

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

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 347.0

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

SUBJECT: CONFIDENTIAL FUND

PURPOSE

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

347.01 POLICY

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

347.02 PROCEDURES

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

347.03 CASH DISBURSEMENTS AND DOCUMENTATION OF EXPENSES

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

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

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 348.0

EFFECTIVE DATE: APRIL 15, 1995

SUBJECT: CRIMINAL CONDUCT ON A SCHOOL BUS

PURPOSE

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

348.01 RESPONSE

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

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 349.0

EFFECTIVE DATE: AUGUST 15, 1999 REVISED: OCTOBER 21, 2009

SUBJECT: EVIDENCE POLICY

PURPOSE

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

349.01 PROCEDURE

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

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

Officers will not store or hold any items of evidence in their patrol vehicles, work spaces, homes, etc. All items of evidence will be properly packaged, entered into the Records Management system, and secured in an intake locker prior to the officer completing the end of their duty day. Unless circumstances arise and it is not feasible to do so, officers will contact their supervisor for approval to secure the item the following day.

349.02 CONDITIONS AND GUIDELINES

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

Officers must properly fill out the Evidence program in LETG.

Items being sent to the BCA for analysis must be submitted to the evidence room via an intake locker. The evidence tech will be responsible for the chain of custody and will coordinate with the Investigator the submission of the evidence for analysis to the BCA.

All items submitted to the evidence room will be properly documented by the officer releasing the items to the evidence room. This includes proper documentation in the LETG records management system. Officers will place a label with a barcode, printed from the LETG system onto the item of evidence.

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

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

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

When an officer needs an item of evidence for court they will contact the Evidence Technician and arrange for the item to be removed from the evidence room. A signature is needed for both signing in and out of the evidence room to ensure a valid chain of custody.

349.03 DOCUMENTATION NEEDED

1. All seized, recovered, found, stolen or abandoned property or items of evidence processed by the Mille Lacs Band Police Department will be properly documented in the LETG records management system.
2. An Electronic evidence tag will be completed, listing each item of property or evidence held under that particular case file.
3. At no time will officers of the Mille Lacs Band Police Department hold property for "Safe Keeping" at the request of any citizen.
4. Property or Evidence, which is illegal contraband, shall be destroyed after the case is closed. The destruction shall be approved prior by the Chief of Police. Whenever destruction of evidence takes place, two (2) officers shall be present and one will sign as witness to the destruction.

At no time will property or evidence ever be converted to the personal use of any personnel of the Mille Lacs Band Police Department or any other citizen.

Any violation of this policy may result in disciplinary action.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 350.0

EFFECTIVE DATE: SEPTEMBER 15, 2005 Revised: AUGUST 28, 2015

SUBJECT: PREDATORY OFFENDER COMMUNITY NOTIFICATION

PURPOSE:

The policy is to protect the public by disclosing information on predatory offenders residing in this agency's community. This agency will decide what information to disclose and who to disclose it to based on the level of danger posed by the offender, the offender's pattern of offending behavior and the needs of community members to enhance their individual and collective safety.

350.01 DEFINITIONS

1. Predatory Offender Registration and Community Notification refers to the Minnesota law that requires certain predatory offenders to register with the Minnesota Department of Public Safety Predatory Offender Unit. The law also provides for community notification about certain adult predatory offenders who have been incarcerated by the Minnesota Department of Corrections (DOC) or confined by the Minnesota Department of Human Services (DHS).

2. *Offender Risk Levels* means the level of notification is governed by the level of risk assigned by the DOC.

Three possible risk levels can be assigned to an offender. They are:

- Level 1 – low risk of re-offending
- Level 2 – moderate risk of re-offending
- Level 3 – high risk of re-offending

Note: Some offenders who are required to register as predatory offenders are not assigned a risk level because their sentence was completed prior to predatory offender legislation or because they have not spent time in state or federal prison. These offenders are not subject to community notification.

350.02 REGISTRATION PROCEDURES

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website at www.dps.state.mn.us/bca for detailed information, or contact the Predatory Offender Unit (BCA-POR) by calling (651) 793-7070 or 1-888-234-1248.

When an offender arrives to register with this agency, determine what state the offense was committed in and if the individual is required to register by reviewing the list of registrable offenses on the POR website.

If the offender is required to register, contact the BCA POR to verify the offender is already registered and a DNA sample has been submitted.

- If the offender is already registered, complete a *Change of Information Form* included on the BCA's website at www.dps.state.mn.us/bca.
- If the offender is not registered, complete a *Predatory Offender Registration Form* included on the BCA's website at www.dps.state.mn.us/bca.
- If the offender is from another state, contact the state (information for each state is listed on the BCA's website at www.dps.state.mn.us/bca) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

It is recommended the agency verify the address of offenders living in their community.

- If the offender is not living at the registered address, contact the BCA-POR to determine if a *Change of Information Form* was submitted. If it was not, the offender may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA-POR to request a prosecution packet. Submit the packet to the county attorney's office to file a formal charge.

Note: It must be verified that the offender is no longer residing at his/her last address prior to submitting the prosecution packet for charging. Depending on the county attorney, formal statements may be needed from friends, co-workers, neighbors, caretakers, etc.

350.03 COMMUNITY NOTIFICATION PROCEDURES

For questions regarding community notification or the risk level assigned to an offender contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651-361-7340 or at notification.doc@state.mn.us. The DOC will answer questions about the notification process and agency responsibilities. The DOC is also available to assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.

Attached to this policy are examples of forms that are provided to law enforcement agencies by the DOC to assist them in performing community notifications:

- a. CONFIDENTIAL - Fact Sheet - Law Enforcement Agency Use Only
- b. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Two
- c. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Three
- d. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender Not for Distribution to Facility Residents
- e. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender for Distribution to Facility Residents
- f. VICTIM DATA - CONFIDENTIAL - For Law Enforcement Agency Use Only

350.04 Notification Process

Law enforcement agencies receive information from the BCA and DOC pertaining to the risk levels of offenders. The duty of law enforcement to provide notification depends on the risk level assigned as described below. Public notification must not be made if an offender is placed

or resides in one of the DOC licensed residential facilities (halfway houses) operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release. Do NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location.

Level 1 – Information maintained by law enforcement and may be subject to limited disclosure. *See attachment 1: Confidential Fact Sheet – For Law Enforcement Agency Use Only.*

- Mandatory disclosure
 - Victims who have requested disclosure
- Discretionary disclosure
 - Other witnesses or victims
 - Other law enforcement agencies.

Level 2 – Information subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution. *See attachment 2: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota – Risk Level 2.*

- In addition to Level 1 disclosures, the law enforcement agency may disclose information to:
 - Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
 - Individuals likely to be victimized by the offender.
- Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.

Level 3 – Information subject to disclosure, not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole. *See attachment 3: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota.*

- In addition to Level 2 disclosures, law enforcement shall disclose information to other members of the community whom the offender is likely to encounter, unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
- A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- The process of notification is determined by the agency. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information. Assistance is available from DOC RA/CN Unit.

350.05 Health Care Facility Notification

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in its jurisdiction, law enforcement shall provide a fact sheet to the facility administrator with the following information: name and physical description of the offender; the offender's conviction history, including the dates of conviction; the risk level assigned to the offender, if any; and the profile of likely victims. *See attachment 4: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender Not For Distribution to Facility Residents & attachment 5: Law*

Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender For Distribution to Facility Residents.

350.06 Specialized Notifications

1. Offenders from Other States and Offenders Released from Federal Facilities Subject to Notification

- If a local law enforcement agency learns that a person under its jurisdiction is subject to registration and desires consultation on whether or not the person is eligible for notification, the agency must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform law enforcement that it may proceed with community notification in accordance with the level assigned by the other state.
- If DOC determines that the governing law in the other state is not comparable, community notification by law enforcement may be made consistent with that authorized for risk level 2.
- In the alternative, if a local law enforcement agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review. The local law enforcement agency shall provide to the DOC necessary documents required to assess a person for a risk level.

2. Victim Notification

Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness.

DOC will provide victim contact information to the law enforcement agency when there is a victim who has requested notification. *See attachment 6: VICTIM DATA – CONFIDENTIAL – For Law Enforcement Agency Use Only.*

Law enforcement personnel may directly contact the victim. Community victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC Victim Services staff.

Law enforcement also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

3. Homeless Notification Process

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should include as much specificity as possible, for example “in the vicinity of_____”. These offenders are required to check in with local law enforcement on a weekly basis.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 351.0

EFFECTIVE DATE: September 19, 2005

SUBJECT: LIGHTING EXEMPTIONS FOR LAW ENFORCEMENT VEHICLES

PURPOSE: To provide effective crime prevention and public safety service the Mille Lacs Band Police Department may find it necessary to use covert tactics to preserve Evidence and facilitate the apprehension of suspects.

The policy of the Mille Lacs Band Police Department provides uniform guidance for all department personnel when operating a department vehicle without headlights, taillights or marine navigational lights.

351.01 DEFINITIONS:

A. Vehicle: Any motorized vehicle or watercraft owned, leased or otherwise the property of the Mille Lacs Band Police Department, used for law enforcement purposes.

B. Lights: Headlights, taillights and marine navigational lights as referenced in MN Statutes, sections 84.87, 84.928, 169.65 and 361.15.

351.02 APPLICATION/PROCEDURE

Mille Lacs Band Police Officers must not operate emergency vehicle without Lighting under the following conditions:

1. On a state highway
2. At speeds greater than what is considered reasonable and Prudent under existing weather, road and traffic conditions.
3. Faster than the posted speed limit
4. In situations where the officer is an active participant in the Pursuit of a motor vehicle in violation of MN Statutes Section 609.487
5. Contrary to the elements of MN Statutes Section 169.541

Mille Lacs Band Police Officers may operate a vehicle without lighting if it is Necessary to perform covert operations, when none of the above conditions exist.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 352.0

EFFECTIVE DATE: SEPTEMBER 15, 2004 REVISED: SEPTEMBER 21, 2005

SUBJECT: EMERGENCY RESPONSE TEAM

PURPOSE: The safety and preservation of human life will be the Mille Lacs Band Police Department Emergency Response Team's primary objective. The Emergency Response Team will be specifically trained and equipped to resolve critical incident situations and will serve as the emergency support unit for the Mille Lacs Band Police Department. Containment of suspects and negotiation procedures will be the Team's first responsibilities. Emergency Response Team personnel shall strive to promote a cooperative and harmonious working relationship with other law enforcement agencies through the mutual aid agreements.

352.01 Definitions

- a. Commander- The E.R.T. commander will be an officer/supervisor selected by the Chief of Police who is assigned to be in overall command of the Team when it is involved in an operation.
- b. Team Leader- The Team Leader is a designated member of the ERT who is in charge of the entry team. The Team Leader reports directly to the Team Commander.
- c. Negotiators- Are members who have received specialized training in hostage negotiations.
- d. Inner Perimeter- The inner perimeter is the immediate area, which surrounds a suspect, or scene that poses the greatest threat to the physical safety of officers and the general public.
- e. Outer Perimeter- The area relatively free from the danger posed by the suspect(s) or scene. This area would be established to keep accomplices, press, traffic and the general public a safe distance away from the inner perimeter and command post.

Duties and Responsibilities of Department Personnel

- a. The Team will consist of members of the Mille Lacs Band Police Department. The Team will be under the direction and control of the Chief of Police, or the assigned Team Commander. The Team will train as a unit and be called upon to respond to the following emergency situations.
 1. To protect the lives of hostages, team members, bystanders,, police officers, and if possible the suspect(s).
 2. Safely rescue hostages upon tactical deployment
 3. Apprehend suspects.
 4. Isolate the incident.
 5. Protect property and equipment.
 6. Conduct a tactical assault, if necessary, which will resolve a special threat or crisis situation.
 7. Deter, contain and minimize situations before they can escalate.
 8. Conduct high-risk warrant services
 9. Conduct high-risk search warrants
 10. Conduct high-risk apprehensions.
 11. Respond to all barricaded/hostage subjects.
 12. All Clandestine Labs.

The Team may also be used for search and rescue or other duties.

The Team will follow the Mille Lacs Band Police Department Use of Force Policy.

- b. Department Head

1. Authorize funding for personnel, equipment and training.
2. Review and approve ERT policy and procedures
3. Responsible for the implementation of mutual aid/cooperative agreements for the use of ERT in other jurisdictions.
4. Has the lone discretion to disband the ERT if necessary.
5. Will respond to the crisis scene and assume overall command of the situation.
6. Will select Officers assigned to the team, based on their Physical Agility Testing and interviews.

- c. ERT Commander

1. Will have direct command of all ERT members at the crisis scene. In the absence of the Commander, the Chief or his/her representative will have command responsibilities until the Team Commander's arrival.
2. Determine what tactical methods and deployment are to be used by the ERT.
3. Coordinate the use of the ERT with the on-call supervisor, negotiators, and other support groups (medical, fire, etc.).
4. Assist and assign training of the ERT by coordinating through department heads.

5. Maintenance of ERT operations records through normal reporting procedures.

d. ERT Team Leader

1. Develops tactical plan and directs entry team.
2. Coordinates the activities of the gas delivery and perimeter team with the Commander.
3. Coordinates activities of the scout team with the Commander.
4. Implements orders received by the Commander which affect ERT personnel under his/her authority.

e. ERT members

1. Follow, have knowledge of, and adhere to the ERT policies, rules and procedures.
2. Maintain physical fitness standards, which will allow the members to function in their respective capacity.
3. Respond immediately to call-out situations.
4. Attend ongoing training sessions.
5. Maintain a degree of proficiency in all areas.
6. Will be cross-trained for all functions. Marksman and negotiator will be the only specialized positions.

f. Training

1. On going training will be conducted on a regular basis
2. All members will give these training sessions a high priority
3. Members will attend all training sessions except for exigent circumstances or approved by the Team Commander.
4. Unapproved absences, tardiness, and early-outs may result in a board review. Punitive measures may include verbal, written, and up to dismissal from the team.
5. ERT commander will keep records of all training.
6. Lesson plans or notices for training sessions will be submitted to the Commander for dissemination to members.

352.03

PROCEDURES

a. Within the Mille Lacs Band Reservation, or areas where mutual aid pacts are in place.

1. ERT may be used in high-risk situations where time for planning exists. In these situations, prior approval by the department head or this representative is required.
2. During immediate crisis situations, the on-call supervisor has the authority to call out ERT if unable to contact the above. Call out is not automatic. The

On-duty supervisor must evaluate the overall situation. When the on-duty supervisor determines that the resources available to him/her are adequate to handle the situation, there is no need to call for the assistance of the ERT. When it is determined the situation could deteriorate the Team should be called out. (Refer to 352.02).

3. All requests for ERT from an outside agency must be approved by the Chief of Police or his designee.

b. Chain of Command

1. Operations on the Mille Lacs Reservation:

The ERT Commander is in charge of the Team. Team members will respond to orders from the Team Commander during the course of the operation. When the operation is finished, (ie. Scene secured) team members may gear down and be utilized as needed. They will be under the direction of the supervisor in charge of the call or investigation.

2. Operations outside the Mille Lacs Reservation

The ERT Commander is in charge of the Team. Members will respond to orders from the Team Commander during the course of the operation. The Team Commander will work with the officer in charge and lend assistance in planning a course of action. The Officer in charge of the jurisdiction outside the Mille Lacs Reservation has the responsibility of authorizing any action to be taken by the Team. The Team Commander will direct any operation authorized by the officer in charge. The Team Commander has the responsibility of determining how the action will be accomplished when using the ERT.

c. Duties of ERT personnel upon initial response.

1. Secure the perimeter and assign assisting officers to specific locations and duties.
2. Avoid exposing assisting officers to hostile fire and crossfire's.
3. Assign extra personnel to a staging area until needed.
4. Evacuate civilians from dangerous area
5. Plan for traffic diversion, both vehicular and pedestrian.

d. Specific Assignments and Responsibilities of ERT and Assisting personnel

Entry Team- Will provide for the evacuation of civilians and un-needed personnel from the danger area. Establish direct-line communication to the incident scene. Will enter dangerous areas to accomplish the planned objective. Will take into custody all high-risk persons if the situation dictates. They may turn over suspects to on-duty personnel for the booking process.

Gas Delivery/Perimeter Team- Will maintain the inner perimeter and deliver chemical munitions upon the demand of the ERT Commander.

Marksmen- Will position themselves to best contain and observe subject(s), provide weapons cover for the inner perimeter personnel and deliver selected and controlled firepower when directed by the ERT Commander.

Scout Team- Will consist of the marksmen, and spotter for on-site intelligence work and ascertain safe routes to and from the objective. They will assist in diagramming the objective with the Team Commander and Team Leader.

Negotiators- Attempt to keep a line of communication open with the suspect(s) and negotiate a settlement. Will provide intelligence gained from the negotiations to the ERT Commander.

Non-Team personnel-Can be used as spotters for the marksman and provide cover for the gas delivery team, intelligence gathering and outside perimeter security.

352.04 PERSONNEL SELECTION

The intent to fill a vacancy on the ERT, or increase the number of personnel on the team will be announce department-wide and officers interested in membership on the team will submit applications to the ERT Commander

To be eligible officers must have completed their probationary period and have no history of disciplinary action (1) year prior to their application.

The selection process shall consist of the following;

- Oral Board
- Physical Fitness Exam
- Chiefs Review
- Approved Basic S.W.A.T./ Tactical Officers Certification Course

352.05 NOISE/LIGHT DIVERSIONARY DEVICES

In order to reduce the potential for injury and/or property damage the use of noise/light diversionary devices must be supervised and properly deployed.

Only personnel who have successfully completed departmental or basic SWAT training in the proper use and deployment of the noise/light diversionary devices will be authorized to deploy them during actual operations.

Generally, noise/light diversionary devices may be considered whenever the use of less lethal diversion would facilitate entry, enable arrest, and potentially reduce the risk of injury. Use of the noise/light diversionary device may include, but not limited to the following;

- Barricaded suspect an/or hostage situations
- High-risk warrant services

Violent or mentally deranged person or those under the influence believed necessary to facilitate arrest.

Situations deemed necessary to safely resolve the incident.

Prior to deploying the noise/light diversionary device personnel should consider available intelligence information and circumstances to include the presence of children or elderly persons. Circumstances may dictate that exterior deployment is preferable to deployment on the interior of a structure. Whenever possible devices shall be deployed to an area visible to the deploying officer.

The Team Commander shall review the use of each noise/light diversionary device as soon as practical following each incident or operation to ensure the devices were used according to policy and functioned properly.

352.06 DEPLOYMENT OF CHEMICAL AGENTS

The use of chemical agents is a less-lethal response to situations where are serious in nature. When properly utilized chemical agents have proven safe and effective.

Chemical agents can be deployed either inside a structure or outside depending on the circumstance encountered. In the case of snipers or barricaded subjects, chemical agents are deployed in an effort to force the subject(s) to leave a fortified position. Chemical agents are useful in moving or dispersing riotous crowds by way of encouraging people to leave a certain area or abandon some form of unlawful activity.

Chemical agents should be deployed in such a manner that a suspect or crowd is force to exit or move to a location that has been pre-determined. Whenever practical, announcements should precede the introduction of chemical agents.

The Team Commander and Team Leader must maintain a flexible approach to the utilization of chemical agents.

The sequence of introduction of chemical agents and amounts are generally progressive depending upon the degree of force required.

Whenever possible the suspect(s) should be given the opportunity to surrender prior the next level of chemical agent being used. Smoke will be introduced into a structure only as a last resort, due to the fact smoke can displace oxygen and may be considered lethal force.

Chemical agents will only be deployed at the direction of the Team Commander and Team Leader. The gasman will be directed as to the location, type, and quantity of chemical agent deployed.

Chemical agents deployed inside a structure will be predicated upon the following factors;

Severity of the incident

Nature of the threat posed by the suspect(s)

The percipient persons involved. The use of Chemical agents should be avoided in those circumstances where it is reasonable to believe that elderly, children, or other persons with medical problems are present.

The type and location involved. The size of the structure and its purpose must be considered as well as damage likely to be caused by the introduction of chemical agents.

Calculation formulas for the deployment of chemical agents into enclosed environments are furnished by the manufacturer and were created in a laboratory environment. Therefore formulas must be recognized and utilized merely as guidelines in so far as the introduction into a structure.

The Team Commander and Team Leader shall review the use of chemical agent as soon as practical following each incident or operation to insure the devices were used according to policy and functioned properly.

352.07

PHYSICAL FITNESS STANDARDS REQUIRED

All ERT members must pass a Physical Fitness Standard to be eligible for the Team.

Members shall pass a yearly Fitness Test to remain eligible for the Team. Those not passing the test will be removed at the direction of Chief of Police. Members may be reinstated after passing a remedial fitness test.

Members will be afforded (4) hours of on-duty time per week to work out to sustain the degree of fitness required for the ERT Team.

Standards and testing will be determined by the Chief of Police and ERT Commander. The testing will be job specific and performed in gear normally worn by ERT members.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 353.0

EFFECTIVE DATE: SEPTEMBER 21, 2005

SUBJECT: IMPARTIAL POLICING

It is the policy of the Mille Lacs Band Police Department to reaffirm our commitment to impartial/unbiased policing and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner to all.

353.01 DEFINITION

Racial profiling has the meaning given to it in Minnesota Statute 626.8471, Subd. 2. which states:

"Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

- (1) the behavior of that individual; or
- (2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

353.02 POLICING IMPARTIALLY

Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures.

Except as provided in paragraph (3) officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause.

Officers may take into account the descriptors in paragraph (2) of a specific suspect(s) based on information that links specific, suspected, unlawful, or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, weight,, etc. about specific suspects.

353.03 PREVENTING PERCEPTIONS OF BIASED POLICING

In an effort to prevent the perception of biased law enforcement, officers shall utilize the following guidelines:

Be respectful and professional

Introduce or identify yourself to the citizen and state the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety.

Ensure that the detention is no longer than necessary to take appropriate action for the known suspected offense.

Attempt to answer any relevant questions the citizen may have regarding the contact, including relevant referrals to other agencies when appropriate.

Provide name and badge number when requested, preferably in writing or on a business card.

Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

Supervisors shall ensure that all personnel are familiar and compliant with this policy.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 354.0

EFFECTIVE DATE: MARCH 10, 2002 REVISED: OCTOBER 21, 2009

SUBJECT: FIELD TRAINING OFFICER PROGRAM

PURPOSE

The quality of officers produced by the Mille Lacs Band Police Department can be directly related to the quality of its Field Training Program. It will be the objective of the Mille Lacs Band Police Department to maintain the highest quality Field Training Program possible. The success and future of the Mille Lacs Band Police Department is contingent upon selection and training of new officers, of which the Field Training Officer Program is an intricate part.

The primary goal of the Field Training Officer Program is to develop recruits who have successfully completed their academic portion of training, and lateral officers, into officers capable of performing as community oriented Mille Lacs Band Police Officers.

A. Objectives of the FTO program

1. Systematically guide the recruit officers to properly apply their academic knowledge of field situations.
2. Guide the recruit officers to analyze field situations in a logical manner.
3. Develop the recruit officers so that they may function as police officers, following standard operation procedures and applying common sense in fulfilling the goals and objectives of the Mille Lacs Band Police Department.
4. Inform the recruit officers of the duties and responsibilities of a Mille Lacs Band Police Officer and how they are expected to perform these duties.
5. Evaluate the progress and potential of recruit officers and assure development of their skills.
6. Identify recruit officers who meet the requirements of a Mille Lacs Band Police Officer and release them from their OJT as scheduled or earlier if the recruit is of exceptional quality.
7. Identify recruit officers who fail to meet the minimum requirements of a Mille Lacs Band Police Officer and either extend their training as needed, or terminate them as Mille Lacs Band Police Officers.
8. Identify and train exceptionally good officers to function as Field Training Officers as prescribed in these objectives.
9. Evaluate Field Training Officers on their ability to communicate, train, and evaluate recruit officers.

B. Field Training Officer Committee

1. Will consist of the Chief of Police, and Sergeants.
2. Will monitor the FTO program.
3. Will be responsible for the constant evaluation of FTO's.

4. Will recommend retention or removal of FTO's from the program.
5. Will be responsible for the continuing evaluation of recruit officers to determine the need for extension, early release or termination.
6. All records kept by the FTO will be provided for use by the committee.
7. The Chief of Police has the final decision in all extensions and releases from training.

C. Responsibilities of the Sergeant

1. The Sergeant will perform their normal duties, along with the control and monitoring of all training and recruit officers.
2. Will be responsible for liaison with the Chief of Police for the purpose of dealing with recruit problems.
3. Will be responsible for monitoring the recruit officer while in training, through daily evaluation and weekly meetings.
4. Will be responsible for providing a means to improve a recruit's substandard performance. This can be accomplished by one of the following: Training by FTO, Sergeant, or Investigator.
5. Will be responsible for monitoring the performance of FTO's and take the necessary steps to insure their continued competence.
6. Will be responsible for advising the Chief of Police of problems involving the recruit officers and take the appropriate measures to solve those problems.

D. Responsibilities of the Field Training Officer

1. Provide an on-going instruction utilizing personal and practical techniques, that are in-line with Department policies and procedures.
2. Will be responsible for evaluating a recruit officer on a daily basis. By using the Daily Observation Report will show and discuss the evaluation with the recruit daily, so the recruit can further develop and strengths and correct any weaknesses. These evaluations will be forwarded to the FTO Sergeant weekly.
3. Will be responsible for observing and documenting any training problems or deficiencies the recruit might have. The FTO will make every effort to assist in improving areas that are substandard for the recruit.
4. The FTO will be responsible for bring to the attention of the Sergeant any problems in relation to the recruit's performance.
5. The FTO will document all strengths and weaknesses concerning the recruit's performance, by means of evaluations and other pertinent facts, documents, or paperwork.
6. The FTO's personal and professional appearance and conduct should be beyond reproach. The FTO must recognize the need for possessing a higher sense of professionalism. The FTO must understand the need for quality personnel and their affect on the image, effectiveness, and further of the Mille Lacs Band Police.
7. FTO's are discouraged from taking any leave of absence during the phases they are training recruits.

8. FTO's are authorized (4) (hours of overtime per week while training a recruit.

E. Responsibilities of the Recruit Officer

1. Will be responsible for applying the skills and knowledge learned during their basic law enforcement schools to actual field situations.
2. Will follow the orders of their FTO's and supervisors.
3. Will make the FTO's aware of any problems, personal or professional, that will have an effect on their job performance.
4. Will accept all methods of training that are geared to improve their standard of performance. Will maintain good habits of conduct and appearance.
5. Will complete 480 hours of OJT, including mandatory training with the Investigator.

F. Operational Procedures for Training of Recruit Officers.

1. The recruit officer will be assigned to three certified Field Training Officers for a period of four weeks each, for a total of twelve weeks
2. The first four-week period is an introduction to police work. The FTO will do most of the work while the recruit learns what is expected of him. The recruit will learn to apply what he has learned in school to patrol.
3. The second four-week period the recruit is expected to be more active in sharing the duties and responsibilities. The recruit will receive guidance from the FTO.
4. The third four-week period is expected to be a final preparation for a single person car. The recruit is to assume the majority of the workload and by the end of the phase, demonstrate they are capable of performing as a police officer.
5. Training deficiencies may be noted by anyone in the recruit's chain of command. When training deficiencies are noted, an appropriate correction program will be instituted and the results documented. Minor training deficiencies may be handled by the FTO and documented in a Daily Observation Report. Major training deficiencies will be brought to the attention of the recruit's entire chain of command. The Sergeant will have primary responsibility for insuring an appropriate correction program is developed and utilized and approved through the Chief of Police.
6. Release from training at the end of the 12 weeks will be approved by the Chief of Police.
7. Early release from a training officer may be granted by the Chief of Police. Only a recruit of very exceptional quality will be considered.
8. Extension of training may be ordered by the Chief of Police. When

extended training is required, the FTO Sergeant will issue a performance improvement plan to the recruit itemizing the deficiencies that need to be corrected and what steps will be taken to insure correction. The FTO Sergeant will discuss this order with the FTO and recruit. If the recruit does not correct his deficiencies and maintain a minimum level of performance he will be offered resignation or termination at the end of his extension.

9. FTO's will be authorized to wear civilian clothes during the recruit's final two weeks of OJT.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 355.0

EFFECTIVE DATE: OCTOBER 11, 2005

SUBJECT: DETOXIFICATION

PURPOSE

To set policy for the detoxification of subjects under the influence of alcohol and/or drugs. During the course of their duties, officers may come upon, or be dispatched to handle an intoxicated subject. Officers are afforded an amount of discretion in dealing with and placing intoxicated individuals.

355.01 Removal of individuals suspected of being under the influence

Officers may be asked to remove a subject suspected of being under the influence from a residence or place of business by the owner/responsible party. The officer may take into account the circumstances surrounding the reasons for removal;

Is the person(s) unwanted at the residence.
Has the person(s) committed a crime.
Is the person(s) being disorderly.
Is the residence the person(s) place of dwelling.

Officers may not remove a person from his place of dwelling for the sole reason of being intoxicated. If other charges exist officers may take the subject into custody for those crimes in which a warrant less arrest is justified.

355.02 Placement of individuals suspected of being under the influence.

Officers may take or arrange to have intoxicated subjects taken to the nearest detoxification facility. Officers will take a PBT reading if the subject is cooperative. If a subject is in need of medical assistance, (ie. High intoxication level or existing injuries or medical conditions) the officer or ambulance will take the subject to a medical facility for treatment.

Officers may place a subject at a relative/friend's house in lieu of placement in a detoxification facility, if the officer determines it is prudent to do so. The person receiving the subject must sign a release and care form indicating they are taking responsibility for the subject. If they refuse the subject will be placed in a detoxification facility. Subjects will not be allowed to receive and sign for an intoxicated subject, if they themselves are intoxicated. Officers will not release a subject to friends/relatives if any condition exists in the above paragraph.

Juveniles will be placed in a detoxification facility in accordance with this policy.

Juveniles can only be released to a responsible adult family member, after receiving the signed care and release form.

Officers may release an adult subject without a written release form only in exigent circumstances. Juveniles must have a written release form from a responsible family member.

Officers will attach a copy of the release form to the ICR prior to turning it in to Records.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 356.0

EFFECTIVE DATE: April 1, 2009

SUBJECT: Mille Lacs Band Police Department Data Practices

356.0 PURPOSE

To provide guidelines for the custody, security and delivery of official Mille Band Tribal Police Department records or information.

356.01 POLICY

It shall be the policy of the Mille Band Tribal Police Department to presume complete public access to police department records consistent with the business of the department. Denial of public access to records will be the exception and may only be done in accordance with this policy. (MN. Stat. §13.05)

356.02 DEFINITIONS

Custodian - The Chief of Police is the legal custodian for Police Department records. The Chief of Police may designate a deputy legal custodian.

Person authorized by the individual - The parent, guardian, legal custodian of a child; the guardian of an individual adjudged incompetent; the personal representative or spouse of an individual who is deceased or any person authorized, in writing, by the individual to exercise the rights granted in this policy.

Personally identifiable information - Information that can be associated with a particular individual through one or more identifiers.

Data - Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by the police department. Data includes, but is not limited to: police reports, photographs, evidence receipts, computer generated information (such as e-mail), and film. Data does not include: notes, preliminary computations and like materials prepared for the originator's use or prepared by the originator in the name of a person for whom the originator is working. Drafts may be considered to be open records in some situations. Requests for drafts should be reviewed by competent legal counsel prior to release.

Requestor - Any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains

specific references to that person or his or her minor children for whom he or she has not been denied physical placement, and the record is otherwise accessible to the person by law.

356.03 CLASSIFICATIONS OF GOVERNMENT DATA

Classifications of Data on Individuals (MS § 13.02)

Classifications of data on individuals refer to a living person as the subject of the data.

Public Data on Individuals is data on individuals that is accessible to the public regardless of the interest or use of the data. It is also accessible to other government entities when needed for the administration and management of authorized programs.

Private Data on Individuals is data on individuals that is not accessible to the public but is accessible to the individual subject of the data. In addition, it is accessible to the subject of the data's authorized representative, a minor's parent or guardian, those given expressed authority by the data subject, individuals within the entity whose work assignments reasonably require access, and to those as authorized by law.

Confidential Data on Individuals is data on individuals that by statute or federal law is not accessible to the public or the individual subject of the data. It is accessible only to individuals within the entity whose work assignment reasonably requires access and to those authorized by law.

356.05 COMPREHENSIVE LAW ENFORCEMENT DATA

Treatment of Data.

Application. This section of the statute applies to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the bureau of criminal apprehension, the Minnesota state patrol, the board of peace officer standards and training, the department of commerce, and the department of labor and industry fraud investigation unit, the program integrity section of, and county human service agency client and provider fraud prevention and control units operated or supervised by the Minnesota department of human services.

Arrest Data. The following data created or collected by law enforcement agencies which documents any actions taken by them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times in the originating agency:

1. Time, date and place of action;
2. Any resistance encountered by the agency;
3. Any pursuit engaged in by the agency;
4. Whether any weapons were used by the agency or other individual;
5. The charge, arrest or search warrants, or other legal basis for the action;
6. The identities of the agencies, units within the agencies and individual persons taking action;

7. Whether and where the individual is being held in custody or is being incarcerated by the agency;
8. The date, time and legal basis for any transfer of custody and the identity of the agency person who received custody;
9. The date; time and legal basis for any release from custody or incarceration;
10. The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;
11. Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation;
12. The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 17; and
13. Response or incident report number.

Request for Service Data. The following data created or collected by law enforcement agencies which documents requests by the public for law enforcement services shall be public government data:

1. The nature of the request or activity complained of;
2. The name and address of the individual making the request unless the identity of the individual qualifies for protection under subdivision 17;
3. The time and date of the request or complaint; and
4. The response initiated and the response or incident report number.

Response or incident data. The following data created or collected by law enforcement agencies which documents the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describes actions taken by the agency on its own initiative shall be public government data:

1. Date, time and place of the action;
2. Agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 17;
3. Any resistance encountered by the agency;
4. any pursuit engaged in by the agency;
5. Whether any weapons were used by the agency or other individuals;
6. A brief factual reconstruction of events associated with the action;
7. Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 17;
8. Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 17;
9. The name and location of the health care facility to which victims or casualties were taken;
10. Response or incident report number;
11. Dates of birth of the parties involved in a traffic accident;
12. Whether the parties involved were wearing seat belts; and
13. The alcohol concentration of each driver.

Domestic Abuse Data. The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3 or 4 that arise out of this type of incident or out of an alleged violation of an order for protection must be released

upon request at no cost to an organization designated by the Minnesota center for crime victims services, the department of corrections, or the department of public safety as providing services to victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the battered women's advisory council.

Criminal Investigative Data. Except for the data defined arrest data, request for service data, or response to incident data, investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation is active. Inactive investigative data is public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of individuals protected under subdivision 17. Photographs which are a part of inactive investigative files and which are clearly offensive to common sensibilities are classified as private or non public data, provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file. An investigation becomes inactive upon the occurrence of any of the following events:

1. A decision by the agency or appropriate prosecutorial authority not to pursue the case;
2. Expiration of the time to bring a charge or file a complaint under the applicable statute of limitations, or 30 years after the commission of the offense, whichever comes earliest; or
3. Exhaustion of or expiration of all rights of appeal by a person convicted on the basis of the investigative data.

Any investigative data presented as evidence in court shall be public. Data determined to be inactive under clause (a) may become active if the agency or appropriate prosecutorial authority decides to renew the investigation.

During the time when an investigation is active, any person may bring an action in the district court located in the county where the data is being maintained to authorize disclosure of investigative data. The court may order that all or part of the data relating to a particular investigation be released to the public or to the person bringing the action. In making the determination as to whether investigative data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data. The data in dispute shall be examined by the court in camera.

Child Abuse Identity Data. Active or inactive investigative data that identify a victim of child abuse or neglect reported under section 626.556 are private data on individuals. Active or inactive investigative data that identify a reported of child abuse or neglect under section 626.556 are confidential data on individuals, unless the subject of the report compels disclosure under section 626.556, subdivision 11.

Inactive Child Abuse Data. Investigative data that become inactive under subdivision 5, clause (a) or (b), and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care, as defined in section 626.556, subdivision 2, are private data.

Vulnerable Adult Identity Data. Active or inactive investigative data that identify a victim of vulnerable adult maltreatment under section 626.557 are private data on individuals. Active or

inactive investigative data that identify a reported of vulnerable adult maltreatment under section 626.557 are private data on individuals.

Inactive Vulnerable Adult Maltreatment Data. Investigative data that becomes inactive under subdivision 7, paragraph (a) or (b), and that relate to the alleged maltreatment of a vulnerable adult by a caregiver or facility are private data on individuals.

Public Benefit Data. Any law enforcement agency may make any data classified as confidential or protected nonpublic pursuant to subdivision 5 accessible to any person, agency, or the public if the agency determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.

Protection of Identities. A law enforcement agency or law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

1. When access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5;
2. When access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;
3. When access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;
4. When access to the data would reveal the identity of a victim or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;
5. When access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;
6. When access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller;
7. When access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or
8. When access to the data would reveal the identity of a mandated reporter under sections 626.556 and 626.557.

Data in Arrest Warrant Indices. Data in arrest warrant indices are classified as confidential data until the defendant has been taken into custody, served with a warrant, or appears before the court, except when the law enforcement agency determines that the public purpose is served by making the information public.

356.06 PROCEDURES

A. Adoption of Procedures

1. The Mille Band Tribal Police Department hereby adopts and prominently displays to the public the following information concerning access to records:
 - a. A description of the organization; and
 - b. Established times and place(s) where requestors may obtain access to records, and
 - c. Costs of records.

B. Physical Security and Access to Data.

1. Physical access to Mille Band Tribal Police Department records shall be limited to:
 - a. Police department employees with "view" only access in the LETG RMS.
 - b. Police department employees may only "print" and reproduce reports, recordings, and any information defined in Section III as "Data" that is to be submitted to an agency deemed to have the authority to access the "Data" for the purpose of furthering a criminal investigation and the officer is complying with Section 320 of this manual.
 - c. All requests and releases of "Data" under this policy will be forwarded to the records technician. Only the Records Technician has the authority from the Records Custodian to release "Data" to outside entities not covered in the line above.
 - b. Mille Lacs Band Office of the Solicitor General for criminal proceedings and personal matters within the Police Department.
2. Employees shall not reveal police information except as provided in department policy or required by law or other competent authority.
 - a. Information considered confidential includes, but is not limited to:
 - 1) information contained in police reports that are not public records; and
 - 2) information contained in other official correspondence that are not public records; and
 - 3) names of informants.
 - b. Indiscriminate and unauthorized disclosure of non-public information reflects gross misconduct and is subject to disciplinary action.
3. Agencies/Individuals with Full Access to Private and Public Data (includes pending and juvenile cases) to reports **WITHOUT CHARGE**:
 - a. County Attorney's Office

4. Agencies/Individuals with Full Access to Non-Access Investigations WITHOUT CHARGE:
 - a. Mille Lacs County & Mille Lacs Band Human Services
 - b. Probation & Parole
 - c. Community Corrections
 - d. Other Police Departments
 - e. Victim – Witness Requests
 - f. Guardian ad Litem
5. Agencies with access to closed adult cases WITHOUT CHARGE:
 - a. Community Development Authority – Community Housing
 - b. Family Court Counseling
6. Other Agencies subject to public records availability WITH CHARGES:
 - a. Public Defender’s Office

C. Separation of Juvenile Criminal Records and Adult Criminal Records

1. Juvenile criminal records shall be kept physically separate from adult criminal records and are subject to disclosure only according to the Juvenile Record Policy maintained by the Department. Juvenile records shall not be open for public inspection or their contents exposed except for the following:
 - a. Requests from parent, guardian, legal custodian or involved juvenile - If requested by the parent, guardian or legal custodian of a juvenile who is the subject of a law enforcement officers report, or if requested by the juvenile, if 14 years of age or older, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian or juvenile a copy of that report. Unless interfering with ongoing information.
 - b. Permission to others - Upon the written permission of the parent, guardian or legal custodian of a juvenile who is the subject of a law enforcement officer’s report or upon the written permission of the juvenile, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, make available to the person named in the permission any reports specifically identified by the parent, guardian, legal custodian or juvenile in the written permission.

D. Procedures and Criteria for Release of Department Data

If you have questions about whether or not the data can be released, let the requester know that you will determine the classification of the data and get back to them. Data such as personnel records, land appraisals, social security numbers, etc., have

restrictions. Always work with your unit designee to determine the classification of data.

If the Request is for Public Data. Public data is accessible to anyone for any reason. Accessible means the public has the right to come to a MLTPD office at reasonable a time to view the data and to obtain copies at a reasonable fee. Requests for data do not have to be in writing.

If the Request is for Private Data by Data Subject. If the requester is the subject of the data see the Rights of Data Subjects on page #. Requests for private data by the data subject must be released within 10 working days. A data subject may be asked for proof of identification prior to releasing the data.

Accessing Private or Confidential Data. Private data is accessible only by:

- the data subject
- agency staff whose work responsibilities reasonably require access
- those agencies that are authorized by law to gain access to the data
- anyone with the written consent of the data subject.

Confidential data is accessible only to MLTPD personnel whose work assignments reasonably require it or to those authorized by state or federal law. The Data Subject has the right to:

- view, at no cost, all public and private data maintained about them
- have the data explained to them, upon request
- receive a copy of public and private data about themselves
- challenge the accuracy and completeness of any public or private data about themselves.
- authorize other agencies or persons to see or use private data about them.

1. General Information

- a. Requests for records shall be filled or denied as soon as practicable upon receipt of the request and shall be given high priority. Typically, the Department shall attempt to answer or acknowledge a request for records within 10 days of receipt of the request.
- b. Requests may be made orally or in writing.
 - 1) Person(s) making requests are not required to:
 - a) identify themselves; or
 - b) state the purpose for their request of records.
 - c) a person may be asked to provide certain clarifying information for the sole purpose of facilitating access to data.
- c. Requests are deemed sufficient if they reasonably describe the requested record or the information requested.

- 1) Requests for records without a reasonable limitation as to subject matter or length of time represented by the record are not sufficient.
- d. Requestors shall be given the option to inspect or copy public records.
- e. The Department is required to provide facilities to any person comparable to those used by employees to inspect, copy and abstract the record during established office hours.
- f. The Department is not required to purchase or lease special equipment or to provide a separate room for inspection, copying or abstracting of records.
- g. Partial release of records are permitted where any portion of the requested record is deemed to be public information. Information that is not subject to disclosure shall be redacted from the record prior to release.
- h. At the discretion of Department personnel or when necessary, requests for information may be forwarded to the Department Records Custodian.
- i. If a requestor makes a request for a record that does not or no longer exists, the requestor shall be informed as soon as practicable.
- j. Records held for other agencies are considered to be official police department records and are subject to release per this records policy. Example: Sheriff's office records created as a result of assisting the Mille Band Tribal Police Department with a homicide investigation.
- k. Standing or ongoing requests for records shall be honored to the extent possible with consideration for use of resources as determined by the records Custodian.

2. Release of Data Containing Personally Identifiable Information

- a. Unless prohibited by law, a requestor has a right to inspect or copy any records, including those containing personally identifiable information.
- b. The requestor may be an individual who is the subject of a Department record containing personally identifiable information; or, the requestor may be a person who is authorized by the individual who is the subject of a Department record containing personally identifiable information.
- c. Procedure
 - 1) The Department shall first determine whether the requestor has a right to inspect or copy records.

- a) The Department will examine the request within the scope of the exemptions listed in section IV.D.3 of this Policy.
 - b) If the requestor has a right to inspect or copy the record, the request will be granted.
- 2) If the requestor does not have a right to inspect or copy the record, the request will be denied in accordance with section IV.D.4 of this Policy.

3. Data Exempt from Release

- a. Any record containing personally identifiable information that, if disclosed, would do any of the following:
 - 1) Endanger an individual's life or safety; or
 - 2) Identity a confidential informant; or
 - 3) Juvenile information, motor vehicle, or driver's license information; or
 - 4) Endanger the security of any state correctional institution, jail, secured child caring institution, mental health institute or center for the developmentally disabled or the population or staff of any of these institutions, facilities or jails.
- b. Records containing personally identifiable information about victims should be given careful consideration prior to release. Mille Lacs Tribal Police Department Operations Manual (sections 104.1 & 301.63) provides guidelines for News Media Relation concerning the release of victim information.

4. General Records Release Guidelines

- a. Records NOT SUBJECT TO RELEASE without proper authorization:
 - 1) Cases forwarded to District Attorney's Office - Refer requestor(s) to DA's office.
 - 2) Active cases - Must be reviewed by records Custodian or Deputy Custodian.
 - 3) Juvenile cases – Upon review by records Custodian. Juvenile names may be redacted and then released.

- b. Records forwarded to Mille Lacs Tribal Court are subject to release per this policy.

5. Denial of Requests

- a. An oral request may be denied orally.
 - 1) The Department shall provide a written statement of the reasons for denying the request upon demand by the requestor within five (5) business days of the oral denial.
- b. A written request denied in whole or in part shall be denied in writing stating the reasons for denying the request.

6. Fees

- a. The Department may impose a fee upon the requestor of a copy of a record not to exceed the actual, necessary and direct cost of reproduction and transcription of the record.
- b. The Department charges **\$5.00** for copying of a public record
- c. The Department may provide copies of records at no charge or at a reduced charge if the Department determines that waiver or reduction of the fee is in the public interest.
- c. The Department may require prepayment by a requestor if the total amount of the request exceeds \$5.00.
- d. The Department may require prepayment, of any amount, by a requestor who has an outstanding balance or who has not paid the required fees in the past.
- e. The Department may impose a fee upon the requestor for locating the record not exceeding the actual, necessary and direct costs of locating the record(s), providing the cost is \$50.00 or more.
- f. If the requestor is a prisoner and the prisoner has failed to pay any fee that was imposed by the Department for a prior request, the Department may require prepayment both of the amount owed for the previous request and the amount owed for the current request.
- g. The department will charge a \$5.00 fee to locate an individual or business contact record or an address call history with the Mille Band Tribal Police Department. If a listing provided is more than four (4) pages a charge of \$.25 for each page over four (4) shall added to the above fee.

- h. The department will charge a \$10.00 fee to copy a squad car digital video to a compact disk.
- i. Copies of VHS video to VHS video will be subcontracted to a third party. The requesting party shall pay all fees and costs associated with this transaction.

E. Records Retention Schedule

- 1. The Mille Band Tribal Police Department adheres to state and local requirements for retention of police records.
- 2. All data collected, created or received by the Department shall be maintained in accordance with the Department's retention schedule.

Public Law Enforcement Data

Minnesota Statutes, section 13.82, subdivisions 2, 3, and 6, list specific law enforcement data that are always public, even if there is an active criminal investigation.

Arrest Data

- Time, date and place of action
- Resistance encountered by the agency
- Pursuit engaged in by the agency
- Weapons used by the agency or individuals
- Charge, arrest or search warrants, or other legal basis for action
- Identities of agencies, units, and individuals taking the action
- Whether and where the individual is being held in custody or incarcerated
- Date, time and legal basis for any transfer of custody and who received custody
- Name, age, sex and last known address of an adult person, or age and sex of any juvenile person cited, arrested, incarcerated or otherwise deprived of liberty
- Agency wiretaps or other eavesdropping techniques, unless
- release would jeopardize an ongoing investigation
- How agencies received information leading to arrest and names of individuals supplying information unless the identities are protected
- Response or incident report number

Request for Service Data

- Nature of the request or complained activity
- Name and address of the individual making request unless the identity is protected

- Time and date of the request or complaint
- Response initiated and response or incident report number

Response or Incident Data

- Date, time and place of action
- Agencies, units, and agency personnel participating in the action unless the identities are protected
- Resistance encountered by the agency
- Pursuit engaged in by the agency
- Weapons used by the agency or individuals
- Brief factual reconstruction of events
- Names and addresses of witnesses to the agency action unless witness identity qualifies for protection
- Names and addresses of victims or casualties unless the identities qualify for protection
- Name and location of the health care facility where victims or casualties were taken
- Response or incident report number
- Dates of birth of the parties involved in a traffic accident
- Whether the parties involved were wearing seat belts
- Alcohol concentration of each driver

Law Enforcement Data – Protected Identities

Minnesota Statutes, section 13.82, subdivision 17, lists the identities of individuals that either must be protected, or may be protected from disclosure when releasing public arrest, request for service, and response or incident law enforcement data.

Identities that *must* be protected

- Identity of an undercover law enforcement officer
- Identity of a victim or alleged victim of criminal sexual conduct
- Identity of a deceased person unlawfully removed from a cemetery
- Identity of a mandated reporter

Identities that *may* be protected

- Identity of a paid or unpaid informant used by the agency – if the agency determines revealing the identity would threaten the informant's personal safety
- Identity of a victim or witness to a crime – if the victim or witness specifically requests not to be identified – unless the agency determines that revealing the identity would not threaten the individual's personal safety or property
- Identity of a person who placed a 911 call, or the identity or telephone number of a service subscriber whose phone is used to place a 911 call and:
 - the agency determines that revealing the identity may threaten the personal safety or property of any person, or
 - the object of the call is to receive help for a mental health emergencyA voice recording of a 911 call is deemed to reveal the identity of the caller
- Identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 357.0

EFFECTIVE DATE: August 5, 2015

SUBJECT: ADMINISTRATIVE FORFEITURE POLICY Minn. Stat. § 609.531

357.01 POLICY

It shall be the policy of the Mille Lacs Tribal Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which this agency serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture. Training will be provided by the employing law enforcement agency in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training is to be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative statutory changes and/or relevant court decisions. Training may be conducted by and through the following formats: agency policy, directives, electronic or traditional classroom education.

DEFINITIONS

Cash: money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including, but not limited to, gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.

Conveyance Device: a device used for transportation, including, but not limited to, a motor vehicle, trailer, snowmobile, airplane or vessel and any equipment attached to it. The term "conveyance device" does not include property, which is, in fact, itself stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories: a device that projects either single or multiple [projectiles](#) at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include, but are not limited to holsters, gun cases, fire arm optics, suppression devices, cleaning supplies, etc.

Forfeiture: the process by which legal ownership of an asset is transferred to a government or other authority.

Jewelry/Precious Metals/Precious Stones: items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include, but are not limited to, gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include, but are not limited to, diamonds, emeralds and rubies.

Forfeiture/Seized Property Reviewer: an Agency employee responsible for reviewing all forfeiture cases who is the liaison between the Agency and prosecutor's office.

Seizure: the act of law enforcement officials taking property, including cash, vehicles, etc., that has been used in connection with or acquired by illegal activities.

357.02 SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The following property may be seized and is presumed under Minn. Stat. § 609.5314 to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

All money, precious metals and precious stones found in proximity to:

- controlled substances;
- forfeitable drug manufacturing or distributing equipment or devices;
or
- forfeitable records of manufacture or distribution of controlled substances.

All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under Minn. Stat., Chapter 152.

All firearms, ammunition and firearm accessories found:

- in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
- on or in proximity to a person from whom a felony amount of controlled substance is seized; or
- on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minn. Stat., Chapter 152.

Situations in which forfeiture should not be pursued:

- Seizure of property not listed above must be processed, reviewed and approved by the unit supervisor.

357.03 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When any property as described in the above section is seized, the peace officer making the seizure must prepare the following:

- The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, and the location and date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under Minn. Stat. § 609.5314 if the retail value of the asset exceeds \$50,000.00.
- A receipt for the item(s) seized.

The seizure notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under Minn. Stat. § 609.5314 to follow to obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.

The peace officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports to the Forfeiture/Seized Property Reviewer within 10 days of seizure.

The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

Cash

Peace officers shall not seize cash having an aggregate value less than \$50.00 dollars unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted and the amount verified by another employee of the Agency.

The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to the Forfeiture/Seized Property Reviewer or property/evidence room as soon as practicably possible of the seizure.

Prior to deposit with the Forfeiture/Seized Property Reviewer, peace officers shall examine all cash seized to determine whether it contains any buy funds. Peace officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture/Seized Property Reviewer to be returned to the appropriate unit's buy fund account.

Peace officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or traveler's checks or other financial instruments.

The peace officer conducting the seizure shall provide a copy of the completed property inventory receipt to the Forfeiture/Seized Property Reviewer.

It is the seizing peace officer's responsibility to secure the cash consistent with the agency policy or procedure.

Jewelry/Precious Metals/Precious Stones

Peace officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture/Seized Property Reviewer.

Peace officers seizing jewelry, precious metals and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

Conveyance Device

Upon seizure for forfeiture, all conveyance devices shall immediately be taken to a secure designated area or to an agency approved impound facility.

Peace officers shall inventory the conveyance device and its contents in accordance with agency policy. Peace officers shall also complete applicable report forms and distribute them appropriately.

Firearms/Ammunition/Firearm Accessories

When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per agency policy/procedure.

357.04 CASE FILE STATUS

The Forfeiture/Seized Property Reviewer shall forward all changes to forfeiture status to the supervisor who initiated the case.

357.05 REPORT WRITING

Peace officers seizing property must complete a report. All reports must include a description of the items seized, where the property is turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving peace officer and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

BY ORDER OF:

Jared Rosati
Chief of Police

ACKNOWLEDGEMENT

This manual contains the policies and procedures to be used by the Mille Lacs Band Law Enforcement Officers in the performance of their duties. I understand that the Police Chief may make additions or revisions of these policies and procedures occasionally and I will be informed of such additions or revisions at that time.

I have received a copy of the manual on _____ and have read it. I understand these policies and procedures and agree to abide with them to the best of my ability. I further acknowledge that I understand these policies and I will follow procedures regarding my performance and discipline in my duty as a law enforcement officer.

Signature _____ Date _____

Supervisor _____ Date _____