Mille Lacs Band Police Department
Operations Manual

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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 breed's contempt and resistance. Most people are law-abiding 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.

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 or relieved by a higher ranking officer.

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.

105.13 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 pursed, 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, 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 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 to include School Resource Division, Patrol Division, Investigation Unit, Department of Natural Resources Conservation Enforcement Division, Tribal Communications Division, Emergency Management Division, Community Service Division, and Non-sworn office support staff.
b. Promulgate policies, rules and regulations of the department;
c. Assume overall responsibility for efficiency and discipline of workers under this command;
d. Oversee employee performance evaluations and prepare and maintain files concerning employee performance;
e. Administer disciplinary action as delegated by department and Band policy manual, conduct disciplinary hearings and take disciplinary actions;
f. Assisting and working with governmental employees to examine and prepare operating budget for the department;
g. Reading and answering police correspondence;
h. Preparing or amending the Mille Lacs Band Police Operations Manual and submitting for approval to the Solicitor General's Office;
i. Establishing and maintaining 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 or law.

2. COMMUNITY RELATIONS

The Chief 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 take appropriate action; and
c. Initiating, supervising and coordinating activities of members attempting to resolve community social problems and promote 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;
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 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 take appropriate action if requested to do so;
e. Establishing and maintain good working relationships with other Law Enforcement agencies and assist those agencies if requested to do so;
f. Monitoring and resolving work problems or assists members of department in doing so;
g. Explaining general orders, special messages, directives, commissioner's orders and laws to members of 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 which 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, 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 execute same;
n. Testifying before courts and juries; and
o. Leading, directing or assigning department personnel to investigate or follow up work;

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 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, including Sergeant, Investigator, School Resource Officer, Police Officer, Conservation Officer, Office Manager, Records Technician, Administrative Assistant, Bailiff, Dispatcher, Community Service Officer, Emergency Management Coordinator, and officers given special assignments.
k. Oversee employee performance evaluations and prepare and maintain files concerning employee performance under their command;
l. Administer disciplinary action as delegated by department and Band policy manual, conduct disciplinary hearings and take disciplinary actions;
m. Assisting and working with the Chief of Police to examine and prepare operating budget for the department;
n. Reading and answering police correspondence;
o. Assist the Chief of Police in preparing or amending the Mille Lacs Tribal Police Operations Manual and submitting for approval to the Solicitor General's Office;
p. Establishing and maintaining 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.
q. Review information to determine whether release is in accordance with policy or law.
r. Assume the responsibilities of the Chief of Police during his/her absence.
s. Oversee the Administrative Forfeiture Process.
t. Oversee the Department's Training to ensure personnel are meeting their POST requirements.

2. COMMUNITY RELATIONS

The Deputy Chief is responsible for:

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

4. SUPERVISORY

Supervisory responsibilities include:

k. Reviewing activity reports and other paperwork, including investigation reports for quantity and quality of work performance;
l. 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;
m. Examining personnel and case records to ensure that enforcement personnel conform to prescribed policy;
n. Notifying tribal, state, county and federal authorities of major crimes or disturbances within the area and take appropriate action if requested to do so;
o. Establishing and maintain good working relationships with other Law Enforcement agencies and assist those agencies if requested to do so;
p. Monitoring and resolving work problems or assists members of department in doing so;
q. Explaining general orders, special messages, directives, commissioner's orders and laws to members of department;
r. Informing members of changes in regulations and policies, implications of new or amended laws and new techniques of police work;
s. Submitting reports of activity and equipment to supervisors; and
t. Recommending merit awards for subordinates.

4. LAW ENFORCEMENT

Law enforcement responsibilities include:

p. Patrolling reservation communities to control traffic, prevent crime or disturbances of the peace and to arrest violators;
q. Maintaining familiarity with area, its residents and community needs.
r. Rendering first aid at, investigating, citing violators, locating, interviewing and recording eyewitness accounts of accidents.
s. Filing facts and reports for possible use in civil or criminal court;
t. Investigating criminal cases which involve violations of federal, state, local or Band laws;
u. Analyzing charges, complaints or alleged violations to identify issues, jurisdictional areas and evidence needed;
v. Developing and using informants in accordance with this manual to obtain information and evidence;
w. Conducting surveillance of persons and areas warranted;
x. Using cameras, telephones and other equipment to record facts and evidence;
y. Inspecting and investigating crime scenes, locating, recording, collecting, and preserving evidence;
z. Preparing and presenting findings and progress of investigations in properly documented reports;
aa. Assisting prosecuting attorney in case preparation for trial;
bb. Preparing or obtaining search warrants and execute same;
cc. Testifying before courts and juries; and
dd. Leading, directing or assigning department personnel to investigate or follow up work;

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 RESPONSIBLITY

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.

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 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;
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.

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 202A: SERGEANT OF INVESTIGATIONS

202A.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.

202A.2 AREAS OF RESPONSIBLITY

1. ADMINISTRATIVE

The Sergeant of Investigations will:

f. Examine personnel and case records to ensure that enforcement personnel conform to prescribed standards of appearance, conduct and efficiency;
g. Recommend revisions to the Operations Manual by submitting recommendations to the Chief of Police;
h. Submit reports of activity reports and equipment to the Chief of Police;
i. 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 its' release is in accordance with policy or law.

2. COMMUNITY RELATIONS

The Sergeant of Investigations is responsible for:

d. Establishing rapport with groups and individuals to identify and resolve complaints, problems and needs;
e. Consulting with other public service providers and groups to determine community needs; and
f. 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:

l. Directing and coordinating activities of Investigators and other personnel in accordance with Band Statutes and authority delegated by the Band Assembly and as directed by the Chief of Police;
m. Explaining rules and regulations of the Department to subordinates;
n. Directing daily Law Enforcement activities of members of Department;
o. Commanding subordinate Investigators on assigned duty and assume responsibility for efficiency and disciplinary actions as delegated by the Operations Manual;
p. Taking or making recommendations for disciplinary action;
q. Explaining general orders, special messages, directives, commissioner's orders, and laws to other members of Department;
r. Informing members of changes in regulation and policy, implications of new or amended laws and new techniques of police work;
s. Recommending merit awards for subordinates to the Chief of Police;
t. Reviewing activity reports of subordinates for quantity and quality of work performance;
u. 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;
v. Monitoring and resolving work problems or assist members of department in doing same.

4. LAW ENFORCEMENT

Law enforcement responsibilities include:

p. Notify state and county authorities of major crimes or disturbances within the area and take appropriate action if requested to do so;
q. Establish good working relationship with other Law Enforcement agencies and assist those agencies if requested to do so;
r. Patrol Reservation community to control traffic, prevent crime or disturbances of the peace and to arrest violators;
s. Must be familiar with area residents and community needs;
t. Render first aid at accidents and investigate;
u. Issue tickets to violators, locate, interview and record eyewitness accounts of violations;
v. File facts and reports for possible use in civil or criminal courts;
w. Investigate criminal cases which involve violations of federal, state, local or Tribal laws;
x. Analyze charge, complaint or alleged violation to identify issues and jurisdictional area and evidence;

y. Develop and use informants in accordance with this policy to obtain information and evidence;
z. Conduct surveillance of persons and area if warranted;
aa. Use camera, telephones and other equipment to record facts and evidence;
bb. Prepare and present findings and progress of investigations in properly documented reports;
cc. Prepare or obtain search warrants and execute; and
dd. Lead, direct or assist Officers in investigative follow-up.

5. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

f. Serving legal process such as court orders, summons and complaints and subpoenas to individuals;
g. Serving arrest warrants and evict persons from property designated by court order;
h. Assisting prosecuting attorney in case preparation for trial;
i. Testifying before courts and juries; and
j. Maintaining order in courtroom during trial and ensure 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

206.01 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.

206.02 AREAS OF RESPONSIBLITY

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 AUTORITY 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 PROCEEEDINGS

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 TECHNICAN

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 RESPONSIBLITY

a. Maintains the Law Enforcement Automated Data Retrieval System (Crabtree).
b. Maintains the Zuercher records management system. 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.

SECTION 210: CONSERVATION OFFICER

210.01 MAJOR OBJECTIVE

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 all Natural Resource, Environment & Treaty Rights regulations, forensics, investigative equipment, firearms, gather and preserve physical evidence. Work various shifts as assigned by supervising personnel and other functions relative to a rural Law Enforcement agency.

210.02 AREAS OF RESPONSIBILITY

a. Checks hunting and fishing licenses,
b. Inspects water violations and pollution complaints,
c. Coordinates and teaches youth firearm, snowmobile, and all-terrain vehicle (ATV) safety programs,
d. Checks registrations and safety equipment on watercraft, ATV's, snowmobiles, and other recreational vehicles,
e. Works with sports' clubs and civic organizations,
f. Works with other state and local law enforcement authorities,
g. Patrols assigned area by foot, car and boat to detect violators,
h. Apprehends violators; issues warnings and citations, and serves warrants,
i. Investigates boating accidents,
j. Assists in the stocking of fish,
k. Conducts classes or provides information as requested,
l. Finds and interviews witnesses,
m. Takes statements from suspects, victims and witnesses,
n. Coordinates informational search at the scene of a crime while following laws of arrest and search and seizure,
o. Recognizes, collects, preserves and processes physical evidence,
p. Determines the nature of the crime and evaluates possible charges against suspects,
q. Knows legal requirements, restraints and investigative procedures,
r. Identifies and apprehends criminals,
s. Prepares cases for prosecution,
t. Understands basics of crime prevention, recognizes crime risks and contributing factors in crimes and supplies information to the crime prevention unit,
u. Works cooperatively with officers in the department and other law enforcement agencies,

v. Identifies criminal techniques and behavior from intelligence information to recognize criminals operating in the community,
w. Uses resources to effectively manage an active caseload,
x. Submits reports in a timely manner, which contain relevant information, correct terminology, and proper format,
y. Maintains appropriate records and files,
z. Functions independently of immediate supervision,
aa. Develops informational sources,
bb. Patrols reservation community to control traffic prevents crime or disturbances of the peace and to arrest violators,
cc. Maintains familiarity with area, residents and community needs,
dd. Issues tickets to violators, locates interview and records eyewitness accounts of violations,
ee. Reports facts for possible use in civil or criminal court,
ff. Investigates criminal cases, which involve violations of Federal, state, local or Tribal laws,
gg. Analyzes charges and complaints of alleged violations to identify issues and jurisdictional areas and evidence needed,
hh. Develops and uses informants in accordance with this manual to obtain information and evidence,
ii. Conducts surveillance of person and areas warranted,
jj. Uses cameras, telephones, and other equipment to record facts and evidence;
kk. Prepares and presents findings and progress of investigations in properly documented reports,
ll. Gathering extensive information and performs required analysis external guidelines exist in the form of professional standards, principles and practices; decision making process is substantial and judgment is considerable.
mm. Develop significant creativity and analytical skills, guidance exists in the form of governed principles, cultural norms and historical precedence; information needed to make decisions is missing or incomplete, extensive judgment required,
nn. Performs pre-trial and trial duties which include:
    a. Assisting prosecuting attorney in case preparation for trial,
    b. Preparing, obtaining, and executing search warrants,
    c. Notifying state and county authorities of major crimes or disturbances within the area and taking appropriate action if requested to do so,
    d. Establishing and maintaining good working relationship with other law enforcement agencies, and assisting those agencies if requested to do so; and
    e. Testifying before courts and juries.
oo. Fulfills other duties as assigned.

SECTION 210A.0: SERGEANT OF CONSERVATION OFFICERS

210A.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 all Natural Resource, Environment & Treaty Rights regulations, forensics, investigative equipment, firearms, gather and preserve physical evidence. Work various shifts as assigned by supervising personnel and other functions relative to a rural Law Enforcement agency.

210A.2 AREAS OF RESPONSIBLITY

1. ADMINISTRATIVE

The Sergeant of Conservation Officers will:

k. Examine personnel and case records to ensure that conservation enforcement personnel conform to prescribed standards of appearance, conduct and efficiency;
l. Recommend revisions to the Operations Manual by submitting recommendations to the Chief of Police;
m. Submit reports of activity reports and equipment to the Chief of Police;
n. 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.
o. Review information to determine whether its' release is in accordance with policy or law.

2. COMMUNITY RELATIONS

The Sergeant of Conservation is responsible for:

g. Establishing rapport with groups and individuals to identify and resolve complaints, problems and needs;
h. Consulting with other public service providers and groups to determine community needs; and
i. Supervising and coordinate activities of Conservation Officers attempting to resolve community social problems and to create better understanding of conservation enforcement functions within the community.

3. SUPERVISORY

Supervisory responsibilities include:

w. Directing and coordinating activities of Conservation Officers with other personnel in accordance with Band Statutes and authority delegated by the Band Assembly and as directed by the Chief of Police;
x. Explaining rules and regulations of the Department and Band to subordinates;
y. Directing daily Enforcement activities with members of the Conservation Division;
z. Commanding subordinate Officers on assigned duty and assume responsibility for efficiency and disciplinary actions as delegated by the Operations Manual;
aa. Taking or making recommendations for disciplinary action;
bb. Explaining general orders, special messages directives, commissioner's orders and laws to other members of the Conservation Division;
cc. Informing subordinates of changes in regulation and policy, implications of new or amended laws and new techniques of Conservation and Law Enforcement work;
dd. Recommending merit awards for subordinates to the Chief of Police;
ee. Reviewing activity reports of subordinates for quantity and quality of work performance;
ff. 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, firearms and use, DNR Conservation Regulations, Treaty Rights and Regulations, Harvest, Hunting, and Gathering Rights and Enforcement;
gg. Monitoring and resolving work problems or assist members of the DNR Division and members of the Police Department in doing same.

4. ENFORCEMENT AND CONSERVATION

Law and Conservation Enforcement responsibilities include:

1. Checks hunting and fishing licenses,
2. Inspects water violations and pollution complaints,
3. Coordinates and teaches youth firearm, snowmobile, and all-terrain vehicle (ATV) safety programs,
4. Checks registrations and safety equipment on watercraft, ATV's, snowmobiles, and other recreational vehicles,
5. Works with sports' clubs and civic organizations,
6. Works with other state and local law enforcement authorities,
7. Patrols assigned area by foot, car and boat to detect violators,
8. Apprehends violators; issues warnings and citations, and serves warrants,

9. Investigates boating accidents,
10. Assists in the stocking of fish,
11. Conducts classes or provides information as requested,
12. Finds and interviews witnesses,
13. Takes statements from suspects, victims and witnesses,
14. Coordinates informational search at the scene of a crime while following laws of arrest and search and seizure,
15. Recognizes, collects, preserves and processes physical evidence,
16. Determines the nature of the crime and evaluates possible charges against suspects,
17. Knows legal requirements, restraints and investigative procedures,
18. Identifies and apprehends criminals,
19. Prepares cases for prosecution,
20. Understands basics of crime prevention, recognizes crime risks and contributing factors in crimes and supplies information to the crime prevention unit,
21. Works cooperatively with officers in the department and other law enforcement agencies,
22. Identifies criminal techniques and behavior from intelligence information to recognize criminals operating in the community,
23. Uses resources to effectively manage an active caseload,
24. Submits reports in a timely manner, which contain relevant information, correct terminology, and proper format,
25. Maintains appropriate records and files,
26. Functions independently of immediate supervision,
27. Develops informational sources,
28. Patrols reservation community to control traffic prevents crime or disturbances of the peace and to arrest violators,
29. Maintains familiarity with area, residents and community needs,
30. Issues tickets to violators, locates interview and records eyewitness accounts of violations,
31. Reports facts for possible use in civil or criminal court,
32. Investigates criminal cases, which involve violations of Federal, state, local or Tribal laws,
33. Analyzes charges and complaints of alleged violations to identify issues and jurisdictional areas and evidence needed,
34. Develops and uses informants in accordance with this manual to obtain information and evidence,
35. Conducts surveillance of person and areas warranted,
36. Uses cameras, telephones, and other equipment to record facts and evidence;
37. Prepares and presents findings and progress of investigations in properly documented reports,
38. Gathering extensive information and performs required analysis external guidelines exist in the form of professional standards, principles and practices; decision making process is substantial and judgment is considerable.
39. Develop significant creativity and analytical skills, guidance exists in the form of governed principles, cultural norms and historical precedence; information needed to make decisions is missing or incomplete, extensive judgment required,
40. Fulfills other duties as assigned.

5. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

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

SECTION 211.0 COMMUNITY SERVICE OFFICER

211.01 MAJOR OBJECTIVES

The Community Service Officer (CSO) supports the Police Department as a non-sworn officer or an animal control officer, under the supervision of the Deputy Chief of Police. The CSO patrols the reservation providing basic security while, at the same time, acting as a source of information and basic assistance to the police. The CSO is responsible for the registration of domestic animals, and provides information and educational materials to the public.

211.02 AREAS OF RESPONSIBILITY

1. Patrols reservation land providing basic security and assisting law enforcement as needed,
2. Enforces reservation-related ordinances and rules,
3. Provides information to the public as needed,
4. Provides transportation for cooperative prisoners to the Detox center, juvenile detention, and County jail while assisting a Police Officer,
5. Learns proper and safe techniques for impounding, caring for and disposing and handling of unwanted animals,
6. Assists the School Resource Officer with various in-school programs,
7. Wait for vehicle tows upon request,
8. Coordinates and publicizes a variety of programs, including child safety programs and other public safety related programs,
9. Performs general clerical duties as required, such as typing, filing, writing receipts for money received, destroying files as authorized by law; and
10. Performs other duties as assigned by the Deputy Chief or Chief of Police.

Mille Lacs
Band
MILLE LACS BAND
OF OJIBWE
Police
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SECTION: 212.0 POLICE DISPATCHER

212.01 MAJOR OJECTIVES

A police dispatcher receives emergency and non-emergency calls to the police department and directs the appropriate number of police units to the scene. The police dispatcher receives calls from other police agencies and emergency services as well as the public. The calls come into the dispatch via telephone, computer system and radio. A police dispatcher also monitors the location of all police officers on duty. The police department maintains logs of all incoming calls. The dispatcher maintains the log through manual or automated processes.

212.02 AREAS OF RESPONSIBILTY

a. Questions callers to determine their locations, and the nature of their problems to determine type of response needed,
b. Receives incoming telephone or alarm system calls regarding emergency and non-emergency police and fire service, emergency ambulance service, information and after hour's calls for departments,
c. Determines response requirements and relative priorities of situations, and dispatches units in accordance with established procedures,
d. Records details of calls, dispatches, and messages,
e. Enters, updates, and retrieves information from teletype networks and computerized data systems regarding such things as wanted persons, stolen property, vehicle registration, and stolen vehicles,
f. Maintains access to, and security of, highly sensitive materials,
g. Relays information and messages to and from emergency sites, to law enforcement agencies, and to all other individuals or groups requiring notifications,
h. Scans status charts and computer screens, and contacts emergency response field units to determine emergency units available for dispatch,
i. Observes alarms registers and scan maps to determine whether a specific emergency unit is available for dispatch,
j. Maintains files of information relating to emergency calls such as personnel rosters, and emergency call-out and pager files,
k. Provides full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times,
l. Communicates effectively with others to convey information, while able to adjust actions in relation to others' actions,
m. Uses sound logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems,

n. Looks for ways to help people, being aware of others' reactions and understanding why they react as they do,
o. Monitors their performance to make improvements of their job functions,
p. Understands written sentences and paragraphs in work-related documents.
q. Understands the implications of new information for both current and future problem-solving and decision making; and
r. Identifies complex problems and reviews related information to develop and evaluate options and implement solutions.

SECTION 213.0 EMERGENCY MANAGEMENT COORDINATOR

213.01 MAJOR OBJECTIVE

The Emergency Management Coordinator is responsible for ensuring that Mille Lacs Band Government, its property, employees and community are protected and provided adequate emergency response and guidance during or in preparation for critical incidents, fire, natural disasters, terrorism, rescue, and large-scale government disruption or crisis.

a. Maintains and updates emergency operations plan, hazard mitigation plan, COOP plan, and NIMS compliance to meet state and federal requirements,
b. Maintains availability by phone or radio 24/7 in response to emergency situations,
c. Determines appropriate protocol for emergency response team,
d. Prioritizes work projects, and
e. Conducts timely and effective drills and inspections.

213.02 AREAS OF RESPONSIBILITY

The Emergency Management Coordinator (Fire/EMS) is responsible for supervising the Band's emergency management, fire and EMS programs and following protocols under the direction of the Chief of Police and in coordination with Band programs and staff, and county, regional, state and federal emergency response personnel. This includes overseeing the Mille Lacs Band of Ojibwe's emergency operations plan, hazard mitigation plan, emergency operation center, interoperable communications, fire response/prevention, EMS training and protocols, emergency preparedness drills, exercises, training and equipment.

The Emergency Management Coordinator reports to the Deputy Chief of Police, and responsibility is delegated to him or her for carrying out response and command duties of this office. In the event of an emergency where the Band's emergency operations plan is activated by the TERC or Chief Executive, the Emergency Management Coordinator will follow the command structure set forth in the band's current emergency operations plan.

Emergency Management responsibilities include:

1. Updating and maintaining Emergency Operations Plan,
2. Updating and maintaining Hazard Mitigation Plan,
3. Updating and maintaining THIRA Plan,
4. Ensuring NIMS Compliance,
5. Updating and maintaining TERC command and contact list,
6. Overseeing and managing Public Health Emergency Preparedness Grant,
7. Ensuring Emergency Operations Center is operational when needed,

8. Searching, applying and managing grants to improve emergency management,
9. Inspecting and, maintaining emergency response equipment and replacing when needed,
10. Attending local, regional, state and federal meetings pertaining to duties,
11. Ensuring back-up communications Amateur Radio Equipment is operational, and
12. Attending local, regional, state and federal emergency management trainings.

213.03 EMERGENCY MEDICAL SERVICES

a. Updating and maintaining Emergency Medical Protocols,
b. Serving as Indian Health Services EMS contact for training and education,
c. Inspecting and maintaining AEDs in all Districts,
d. Maintaining and purchasing EMS supplies for Band EMTs and First Responders,
e. Responding to medical calls for assistance ,
f. Maintaining EMT and First Responder records for trainings and recertification-s,
g. Teaching CPR/AED and Basic First Aid classes,
h. Acting as contact for area EMS agencies and First Responder Groups,
i. Teaching Child Safety Seat courses,
j. Searching, applying for and managing EMS Grants for trainings and equipment, and
k. Attending local, regional, state and federal EMS trainings to maintain certifications.

213.04 FIRE FIGHTING AND PREVENTION

1) Updating and preparing yearly fire department contracts,
2) Instructing Fire Prevention and Safety methods when requested,
3) Assisting area fire departments who respond to fires in all districts,
4) Searching, applying for and managing fire grants for equipment, training, or safety,
5) Acting as contact for all area Fire departments with whom the Band contracts,
6) Attending local, regional, state fire safety and prevention meetings, and
7) Attending local, regional, state and national fire trainings to maintain certifications.

213.05 RELEVANT CERTIFICATIONS

- Federal Wildland firefighters
- Scuba certified
- Ice Rescue certified
- Instructor-level in EMS, Fire Prevention, Child Safety Seats
- Wilderness First Aid
- Aviation/Aircraft Rescue
- FEMA National Incident Management system IS-00100, thru IS-00700

CHAPTER THREE GENERAL ORDERS

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 301.0

EFFECTIVE DATE: MARCH 1, 1996

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 the 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

2. 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 doctor's 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.

301.19 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 CALLS

1. 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.

1. 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. Officers are issued a department owned cell phone. These phones are to be used for official business only. Officers are to keep personal phone calls to a minimum. Officers 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 ISSUED CELL PHONE

1. 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.

2. iCloud 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.

3. 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.

a. Cell phone cameras may be used when there are extenuating circumstances or for minor cases.

b. Department issued digital cameras, in squad cameras, and Officer mounted cameras should always be the first choice for processing evidentiary digital camera photos.

4. 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.
Evidentiary photos produced from a cell phone shall be entered as evidence in Zuercher Suite 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.

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 without supervisor authorization. Applications and/or programs designed to access chat rooms and instant messaging are expressly forbidden. Officers wishing to text may do so under the Zuercher Mobile application.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 302.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: 01/01/2024

SUBJECT: DISCIPLINARY PROCEDURES BY SUPERVISORS

PURPOSE

Establishes procedures for a Supervisor to thoroughly investigate minor complaints or observations, and take 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 or discovered by supervising Officers through 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 Supervising Officer 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 by a Supervising Officer 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 (Suspension, demotion, dismissal), 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 minor disciplinary action by a Supervising Officer shall be forwarded to the Chief of Police by the use of sealed envelopes. The Chief of Police will review the reason for the reprimand and may overrule the reprimand, if the Chief believes lesser discipline is warranted.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 302A.01

EFFECTIVE DATE: March 3, 2025 REVISED:

SUBJECT: PROBATIONARY STATUS

PURPOSE

To provide an effective screening and supervision tool for newly hired sworn Police Officers or permanent employees promoted to a new position within the Police Department. The probationary employee has the opportunity to learn the job and where, at the same time, supervisors can evaluate to see if the employee has what it takes to succeed.

DEFINITIONS

"Probation Period:" The probationary period for a newly hired peace officer is 12 months from date of hire.

"Permanent Employee:" A Permanent Employee is an employee who successfully completes a probationary period.

"Probation Extension:" An employee may be extended a probationary time, during the course of their probation period. A probation extension is only authorized by the Chief of Police.

"Promotional Probation:" A Police Officer who is a permanent employee is placed on a promotional probation for a period of 12 months following a position promotion.

SCOPE

Sworn Police Officers are tasked with several learning objectives through their first year of service. Sworn Officers are placed on a probation period in order for command staff to effectively coach, counsel, and evaluate the probationer's progress. During the probationary period, Sworn Officers are expected to manage time, crime scenes, case work, procedures, investigative techniques, and communications at a proficient level.

PROBATION PERIOD

Newly hired sworn Police Officers are placed on a 12 month probationary period. The probationary period begins on the date of hire and ends on their employment anniversary date. A probationary Police Officer is considered a permanent employee after the successful completion of their probationary period.

PROBATION PERIOD DISCIPLARY ACTION

A Police Officer on their probationary period may be disciplined for minor or major violations, as set forth in policy sections 302.0 and 303.0, and in accordance with the Minnesota Peace Officers Standards and Training Board. A probationary employee may be dismissed summarily without compliance to policy section 303.0 regarding appeal or grievances with just cause. The dismissal of a probationary employee may only be authorized by the Chief of Police, and will be communicated in writing to the probationer.

PROBATION PERIOD EXTENSION

A Police Officer may have their probationary time extended during their probation period for just cause. An extension of a probationary period, is at times needed, to evaluate an Officer's performance. Extensions of probation may only be authorized by the Chief of Police, and will be communicated in writing to the probationer.

PROMOTION PROBATION

A Police Officer who is on permanent employment status may apply for a promotion opportunity. Once a promotion is assigned, the Officer will be placed on promotional probation for a period of 12 months. During a promotional probation an Officer may have their probation extended for just cause. Extensions of probation may only be authorized by the Chief of Police, and will be communicated in writing to the probationer. Once a Police Officer completes their promotion probation, they are at a permanent position status.

PROMOTION PROBATION DISCIPLARY ACTION

A Police Officer who is on permanent employment status and during their promotional probation period may be disciplined for minor or major violations, as set forth in policy sections 302.0 and 303.0, and in accordance with the Minnesota Peace Officers Standards and Training Board. A Police Officer may be dismissed from their promotional position for just cause and returned to their former Police Officer position without further probation status. A demotion decision may only be authorized by the Chief of Police, and will be communicated in writing to the probationer.

A permanent employee may appeal or grieve the promotion probation demotion decision in writing to the Mille Lacs Band Solicitor General. The request must be made within five (5) business days.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 303.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: November 13, 2025

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 of department policy committed by a member, which adversely reflects upon the Department or the member's ability to perform their duties within the Department, or conduct by a peace officer that would be a violation of the POST Standards of Conduct per MN Administrative Rule 6700.1600

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.

11. "Discipline" means any of the following or a combination thereof:

- oral reprimand,
- written reprimand,
- suspension,
- demotion, and/or discharge.

12. "Policy Failure" means that the complaint revealed a policy failure. The allegation is factual, but the peace officer followed the agency's proper policy/procedure. The policy/procedure is proven to be deficient.

13. "Receiving Authority" means the entity who receives and is required to investigate the complaint when the subject of the complaint is the Chief.

14. "Respondent" means an individual who is the subject of a complaint investigation.

15. "Unfounded" means there is no factual basis for the allegation. The act or acts alleged did not occur.

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. The complaint form can be found online on the Mille Lacs Band's website, emailed upon request, and available in person.

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 "Receiving Authority" and the same procedures set forth in this Order shall apply. The Solicitor General must refer investigations of alleged misconduct against a CLEO to a neutral, external investigative entity such as another law enforcement agency or a private investigative firm/organization. The external investigative entity shall not have a discernible conflict of interest.

303.03 PROCEDURE FOR NOTIFICATION

Upon receipt of an Initial Complaint Form, the Chief shall make an initial determination whether the facts alleged warrant an administrative investigation. The Chief's determination needs to be based on current agency policies and MN Administrative Rule 6700.1600 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" "not sustained," or "exonerated.". 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 must report that fact to the Chief or, in the case of a complaint against a Chief, the Solicitor General.

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.
>
> Some, or all of the information you will be asked to provide, is classified by 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, sustained, or policy failure based on the facts contained in the investigative summary.

2. The Chief may withhold issue of 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 or policy failure, the Chief or Solicitor General shall immediately notify the complainant and accused member of the disposition in writing.

4. If the complaint is sustained, the Chief or Solicitor General 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.

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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.

POST BOARD REPORTING REQUIREMENTS

According to MN Administrative Rule 6700.1610, a licensed peace officer must self-report any Standards of Conduct violations to the POST Board. The rule also states that an unlicensed person with knowledge of peace officer misconduct constituting grounds for action under MN Statute, chapter 14, or MN Administrative Rule 6700.1600, may report the violation to the Board.

According to Administrative Rule 6700.1615, subpart 2, when a CLEO confirms that a peace officer employed by the agency has violated a board-required policy or the Standards of Conduct, the CLEO must report the violation to the POST Board in a timely manner.

MN Statute 626.8457, subdivision 3, requires CLEOs to report to the POST Board any confirmed allegations of misconduct by a peace officer of their agency. CLEOs must report the incident to the board as soon as a determination has been made that a violation occurred. CLEOs must update the information submitted to the board within 30 days after the final disposition of a complaint or investigation has been issued. Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the

data identified in MN Statute 626.8457, subdivision 3, paragraph (b) to the POST Board. Any such confidentiality agreement is void as to the requirements of this section.

MN Statute 626.8457, subdivision 4, requires CLEOs to cooperate with the POST Board after receiving written notification from the board that it is investigating an allegation of misconduct within its regulatory authority. Cooperation includes providing an individual peace officer's public and private data related to the allegation(s) of misconduct when requested by the board.

STATUTORY REFERENCES

- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
- MN STATUTES; CHAPTER 14 – Administrative Procedure
- ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
- ADMINISTRATIVE RULE 6700.1610 – Reporting Obligations and Cooperation
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
- ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
- ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance
- ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures
- ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
- ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints

Revision approved by the POST Board on July 24, 2025.

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: JANUARY 11, 2021

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.

2. 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.

c. Neatly trimmed beards; not to exceed ¾ (.75) inches in length. Symmetrical in appearance and clean shaven at the neckline.

d. Grooming standards does not allow for Fu Manchu, handlebar, or Goatee style facial hair.

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: JANUARY 11, 2021

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 back 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.

306.05 UNIFORM ALLOWANCE

1. Full-Time sworn employees will receive annual uniform allowance, upon completion of their probationary period.
2. Officers are to maintain and/or purchase uniform clothing, equipment, or tools to be used in the course of duty.
3. Officers will receive $1000 annually to be used to purchase uniforms, equipment, and tools. Officers assigned to the Department S.W.A.T. will receive an additional $250 to be used for tactical uniforms, equipment, and tools.

UNIFORM ALLOWANCE PROCEDURE

a) Once Officers receive their uniform allowance in October of the fiscal year, at least half of the uniform allowance must be expended and receipts of purchase must be turned in by March 01. The remaining uniform allowance of the employee must be used and receipts turned in by September 01 of the issuing fiscal year.
b) Officers are to deliver uniform receipts to the Deputy Chief. Officers may seek pre-approval on questionable items for purchase. Receipts shall contain:
    1. the employee's name,
    2. purchase method,
    3. date of purchase,
    4. location or venue of purchase,
    5. item purchased.

c) Officers may utilize uniform allowance to purchase back-up handguns to be used while on-duty. All authorized on-duty back-up handguns are outlined in Policy section 323.0. Officers may purchase one (1) on-duty back-up handgun every three (3) years.
d) Officers that purchase sunglasses and other miscellaneous items - knifes, jumper packs, squad tool packs valued over $100, will only be allowed as a uniform expense every three (3) years.

e) The Department renews Fitbit watches for staff every two (2) years, the purchasing of Fitbits, Apple watches, Garmin watches or similar with uniform allowance will be allowed every two (2) years if valued over $100.
f) Officers may upgrade employee cell phones with uniform allowance.
g) *When purchasing handguns, cell phone upgrades, and other equipment including tools with Mille Lacs Band funds, employees shall be aware that it is the property of the Mille Lacs Band and may be requested to be returned upon termination of employment.

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 for 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 (1-½) 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 (40) hours per week at one and one half (1 ½) rate of pay for each hour worked in excess of forty (40) 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.

Sworn Police Officers may accrue compensatory time for worked Band Holidays. The Mille Lacs Band recognizes Holiday compensation at eight (8) hours. Officers working a Holiday shift in excess of eight (8) hours will be compensated (1 ½) hours, per hour worked, in Compensatory time.

All accrued compensatory time should be used by the end of the year (Dec 31). All compensatory time over forty (40) hours not used or carried over will be forfeited on December 31.

Officers must submit in writing a request for approval to carry over any hours exceeding forty (40) hours, with an explanation why the time was not utilized during the calendar 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 From 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 items of evidentiary value 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 that an 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 COMMITED 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) 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.

e) 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.

f) 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. Locked/Unlocked containers in motor vehicles may be searched as follows:

i. With probable cause that evidence is contained in a <u>specific</u> container: The sought container locked or unlocked found in the vehicle, may be opened and searched. No other items or areas may be searched in the vehicle.

ii. Incident to arrest: containers found in passenger compartment may be opened and searched.

iii. With consent: Containers may be opened and searched 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.

v. The vehicle is being searched with a search warrant; or

vi. Officers have probable cause to search the entire vehicle, all containers found inside the vehicle (locked/unlocked) can be opened and searched, if what they are seeking could be inside of the container.

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. ABANDONDED 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 30, 2024

SUBJECT: VEHICLE PURSUITS

POLICY

The primary purpose of this policy is to ensure officers and any member of the Mille Lacs Band Tribal Police Department respects the sanctity of life when making decisions regarding vehicle pursuits. Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The intent of this policy is to provide officers with guidance in balancing the safety of the public, safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law, while minimizing the potential for pursuit related crashes.

317.01 GUIDING PRINCIPLES

- A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.

- The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1).

- No officer will be disciplined for terminating a pursuit.

- Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2).

- The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others. Officer(s) should consider reducing their speeds and ensuring that the way is clear before proceeding through an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into

consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

- Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

317.02 DEFINITIONS

MOTOR VEHICLE PURSUIT

An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer (Minn. Stat. §609.487).

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.

TERMINATION OF A PURSUIT

A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit.

DIVIDED HIGHWAY

Any highway that is separated into two or more roadways by:

1. A physical barrier, or
2. A clearly indicated dividing section constructed so as to impede vehicular traffic.

CHANNELING

To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

COMPELLING PATH

The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.

PURSUIT INTERVENTION TECHNIQUE

A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle-contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.

FLEE

The term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle (Minn. Stat. § 609.487 Subd. 1).

PRIMARY UNIT

The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

SUPPORT UNITS

The primary responsibility is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.

OTHER ASSISTING UNITS

Units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking intersections, compelling paths, or otherwise working to minimize risk.

RAMMING

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

SPIKE STRIPS

A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

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.

BLOCKING OR VEHICLE INTERCEPT

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

BOXING-IN

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

PARALLELING

The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws.

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.

317.03 RULES AND PROCEDURES:

A. Pursuit Considerations – Minn. Stat §626.8458 Subd. 2 (2).

1. Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.

2. Factors to be considered when weighing risks:

- Severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).
- Speed of the pursuit
- Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)
- Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)
- Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increased likelihood of a collision (Minn. Stat. §169.03)
- Environmental conditions (weather, visibility, road surface conditions)
- Special hazards (school zones, road construction, parades, special events)
- The ability to identify the offender at a later time
- Age of the suspect and occupants
- Other persons in or on the suspect vehicle
- Offender presents a clear and immediate serious threat, and reasonably places the public in imminent danger of great bodily harm and or death

3. Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:

- The immediate need to apprehend the offender outweighs the risk created by the pursuit.
- The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.
- Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.
- Officers initiating/sustaining pursuits are ultimately responsible for the outcome of their actions and compliance with this policy.

B. Procedures & Tactics for an Officer Engaging in a Pursuit– Minn. Stat. § 626.8458 Subd. 2 (3)

1. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.

2. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.

C. Responsibilities of the Primary Unit – Minn. Stat. § 626.8458 Subd. 2 (4)

The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch when possible:

- Travel direction/location/traffic and road conditions
- Reason for initial contact (specific violations)
- Identity of fleeing driver, if known
- Plate number, if available, and/or vehicle description
- **S**peed of fleeing vehicle
- Number of occupants in the offender(s) vehicle;
- If a hostage is involved, this fact, along with a description and the exact location of the hostage in the vehicle, if known.
- The primary officer is responsible for broadcasting the progress of the pursuit until the arrival of a secondary unit, who will then assume that responsibility.
- Officers with a prisoner in their vehicle will <u>not</u> initiate or join a pursuit.

a) Provide relevant evolving information to dispatch

b) No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force.

c)

<u>Pursuit Immobilization Technique (PIT)</u>

i. 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.

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

d) Roadblocks must conform to the agency's policy on use of force

e) Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles

f) Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

D. Procedures & Tactics for support units

1. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.
2. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws.
3. All participating units should operate under emergency conditions.
4. Assume radio communications responsibility, allowing primary unit to devote complete attention to the pursuit.
5. 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.
6. Assisting officers may be utilized in deploying stop sticks.
7. No more than three police vehicles will become actively involved in a pursuit, unless specifically authorized to do so by a supervisor. Assisting officer(s) will be alert to the pursuit progress and location.
8. 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.

E. Supervision of Pursuit Activities

1. The use of a detached supervisor that is not directly involved in the pursuit, when available, should be considered.

   Based on the known information the supervisor, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4).

2. Procedures regarding control over pursuit activities should include:

- Verbally acknowledge they are monitoring the pursuit.
- Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
- Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.
- Communicate to all involved units if the pursuit should be terminated

- Upon being notified of a pursuit, the supervisor shall;

  a. Assume command from origination through conclusion.
  b. Ensure the pursuit is in compliance with this Order.
  c. Ensure the effected law enforcement agencies are notified.
  d. Assist the primary unit with the necessary support requested.
  e. When necessary, abandon or direct the dispatcher to have officers abandon the pursuit.
  f. When necessary for the protection of the public, call for establishment of a location to disable the fleeing vehicle.
- 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.

3. Options to keep in mind during a pursuit include, but are not limited to:
- Parallel pursuits
- Channeling techniques
- Creating a compelling path
- Air support
- Spike strips or other tire deflation device
- Pursuit Intervention Techniques (PIT)
- Blocking or Vehicle Intercept
- Boxing-in
- Other apprehension or GPS tracking methods - Minn. Stat. §626.8458 Subd 2 (3)

4. Post-pursuit chain of command notifications are required and shall be followed pursuant to policy 335.0

F. Dispatch Responsibilities

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2 (4):

- Coordinate pursuit communications of the involved units and personnel.
- Notify and coordinate with other involved or affected agencies as practicable.
- Ensure that a supervisor, if available, is notified of the pursuit.

- Assign an incident number and log all pursuit activities.
- Broadcast pursuit updates as well as other pertinent information as necessary.

G. Factors Influencing the Termination of a Pursuit:

The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect and shall consider terminating the pursuit under the following conditions.

1. The officer deems the conditions of the pursuit too risky for the safe continuation of the pursuit.

2. A supervisor orders it terminated.

3. Information is communicated that indicates the pursuit is out of compliance with policy.

4. Communication is broken.

5. Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.

6. The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.

H. Interjurisdictional Pursuit – Minn. Stat. § 626.8458 Subd. 2 (5).

1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.

2. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.

3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.

4. When a pursuit enters another law enforcement agency's jurisdiction:
   - The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
   - The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

5. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other

pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5).

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 become a safety issue

If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor. No pursuit will continue into another state unless permission is received from a supervisor, if available, prior to entering that state and the pursuit is of a known or suspected violent felon. Prior to crossing the state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.

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 but may provide the following safety measures:

5. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit.
6. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved.
7. Containment and preservation of the location where a pursuit is terminated, if it is within the Mille Lacs Reservation.

I. Fresh pursuit outside state boundaries

If the pursuing officer has received supervisory approval, the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include North Dakota, South Dakota, Iowa, and Wisconsin (Minn. Stat. §626.65, Uniform Law on Fresh Pursuit; Reciprocal.)

J. Air Support

1. When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)). The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

K. Pursuit Summary Report

1. The primary officer and the supervisor shall file a pursuit summary report.

2. To ensure compliance with Minn. Stat. § 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.

3. As required in Minn. Stat. §626.5532, the report must contain the following elements:
- **a)** the reason(s) for, and the circumstances surrounding the pursuit;
- **b)** the alleged offense;
- **c)** the length of the pursuit in distance and time;
- **d)** the outcome of the pursuit;
- **e)** any injuries or property damage resulting from the pursuit; and
- **f)** any pending criminal charges against the driver.
- **g)** other information deemed relevant by the Commissioner of Public Safety.

L. Care and Consideration of Victims

If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond. Rendering assistance includes, but is not limited to:
Minn. Stat. §626.8458 Subd. 2 (6)

- Calling an ambulance
- Rendering first aid until the officers are no longer needed at the injury scene
- Summoning additional units to the scene for assistance with the injured persons and/or
- traffic control

M. Use of Firearms

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

N. Capture of Suspects

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects shall be consistent with the agency use of force policy and Minn. Stat. §609.06.

O. Evaluation and Critique

After each pursuit, the supervisor and law enforcement agency units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the agency's pursuit policy and tactics.

317.04 TRAINING

In accordance with POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. Emergency Vehicle Operations Course (EVOC) training is minimally required for each officer every five years. This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years per Minn. Stat. § 626.8458 Subd. 5. Continual training should also be considered for those officers authorized to use the PIT maneuver, spike strip deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.

IN-SERVICE TRAINING OBJECTIVES

Law Enforcement In-Service Training in Emergency
Vehicle Operations and Police Pursuits
For Peace Officers and Part-time Peace Officers*

Learning Objectives
Training in the following objectives may take place at any time of the day and must take place in the type of vehicle (not necessarily the make of the vehicle) the officer normally drives. If officers use other authorized vehicles in the line of duty additional training in that type of vehicle is highly recommended.

Terminal Performance Objectives
Officers shall demonstrate the knowledge and skill needed to reduce criminal and civil liability when involved in emergency and non-emergency vehicle operations mode. This training must be designed to give officers both skill and decision-making ability so that emergency vehicle operations can be resolved safely and successfully. This will be accomplished with a minimum of eight hours of training, which will include a minimum of four hours of in-vehicle operation. Simulators may be used in addition to in-vehicle and classroom training but will not be used to replace the minimum four hours of in-vehicle training. It is recommended that simulator training be used for decision making training.

Interim Performance Objectives

Classroom (Required)

A. Emergency vehicle operations
B. Vehicle seizures and intentional stopping techniques
1. Title 42, US Code, Section 1983 "Federal Civil Rights Act"
2. Use of force
3. Use of deadly force
4. Pursuit intervention options
C. Pursuit decision making
1. Physiological and psychological effects of pursuits
D. Case law and relevant Minnesota traffic law

In-Vehicle Training (Required)

A. Evasive driving (collision avoidance)
B. Pursuits and/or code 3 driving techniques
C. Skid control and recovery techniques
D. Controlled braking (anti-lock braking and threshold braking)
E. Serpentine
F. Emergency equipment effectiveness
G. Backing

In-Vehicle (Recommended)
A. Parking
B. Non-emergency driving
C. Defensive Driving

MN Stat 626.8458, Subd. 5., **In-service training in police pursuits required.** The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities. The training shall comply with learning objectives developed and approved by the board and shall consist of at least eight hours of classroom and skills-based training every five years.

GENERAL ORDER: 318.0

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

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 REVISED August 28, 2015

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 Zuercher. A copy of the form will be left in the vehicle. Photographs of the inventoried vehicle will be collected and entered into Zuercher.

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 $1,000.00.

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), addresses, 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 Zuercher Records Management System in lieu of the Daily Activity Log.

320.02 INITITIAL COMPLAINT REPORTS

ICR's may be generated by either Dispatch or an individual Officer. ICRs are generated and tracked through the Zuercher 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 an 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 Zuercher System.

Officers will log all photographs and digitally audio recorded statements under the "Media Tab" in the Zuercher 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 an 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: JANUARY 1, 2022

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.

It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

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

Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of

hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

Section (2) Procedure, paragraphs (g.1-2), are effective *March 1, 2021* and thereafter.

1.) DEFINITIONS

a) *Bodily Harm:* Physical pain or injury.

b) *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.

c) *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.

d) *De-Escalation*: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

e) *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.

f) *Choke Hold*: A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

g) *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 training in the technical, mechanical and physical aspects of the device; and

b. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

h.) *Totality of the Circumstances:* refers to all the facts and circumstances known to a peace officer at the time, taken as a whole, when a use of force determination is made. This includes the conduct of the peace officer and subject leading up to any use of force.

2.) PROCEDURE

a) *General Provisions*

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. All uses of force shall be documented and investigated pursuant to this agency's policies.

b) *Duty to Intercede*

Regardless of tenure or rank, an officer must intercede when:
a. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
b. physically or verbally able to do so

c) *Duty to Report*

An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer.

d) *De-escalation:*

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

e) USE OF OTHER THAN DEADLY FORCE

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:

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 public officer by law; or
e. defense of self or another.

f) USE OF CERTAIN TYPES OF FORCE

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

a. Chokeholds,
b. Tying all of a person's limbs together behind a person's back to render the person immobile, or;
c. Securing a person in any way that results in transporting the person face down in a vehicle.

2. Less than lethal measures must be considered by the officer prior to applying these measures.

g) USE OF DEADLY FORCE

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;

a. To protect the peace officer or another from death or great bodily harm, provided that the threat:

i. can be articulated with specificity,
ii. is reasonably likely to occur absent action by the law enforcement officer; and
iii. must be addressed through the use of deadly force without unreasonable delay; or

b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a

felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).

3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

h) TRAINING

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.

2. In addition, training shall be provided on a regular and periodic basis and designed to

a. Provide techniques for the use of and reinforce the importance of de-escalation
b. Simulate actual shooting situations and conditions; and
c. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.

3. Before being authorized to carry 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.

4. 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.

5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

g) RECORDKEEPING REQUIREMENTS

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

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:

An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;

a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
i. can be articulated with specificity;
ii. is reasonably likely to occur absent action by the law enforcement officer; and
i. must be addressed through the use of deadly force without unreasonable delay; or

b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or

attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).

3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

4. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

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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.

322.04 LETHAL (DEADLY) FORCE: INVOLVING FIREARMS

1. POLICY

a. Deadly force shall be used only in response to a deadly threat. ONLY WHEN THE OFFICER, ANOTHER OFFICER OR A CITIZEN IS IN IMMEDIATE AND OTHERWISE UNAVOIDABLE DANGER OF DEATH OR GRAVE BODILY HARM FROM THE INDIVIDUAL(S) AGAINST WHOM THE OFFICER IS APPLYING OR IS ABOUT TO APPLY DEADLY FORCE.

b. The decision to use deadly force hinges on a balance between risk exposure and restraint. Risk must be identified, controlled and minimized.

c. Officers are expected to expose themselves to some risk during the performance of their duties but not to unreasonable or suicidal risk.

d. As exposure to risk increases, Officers must take reasonable measures to reduce it and exhibit restraint from using deadly force until such time the risk exposure has or may escalate to unacceptable levels. Only at that point, may deadly force may be applied if it is the only reasonable avenue through which the risk can be reduced.

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322.06 LETHAL (DEADLY) FORCE: NOT INVOLVING FIREARMS

1. MOTOR VEHICLES

a. Using a motor vehicle to ram another vehicle or a pedestrian suspect, will very likely result in death or grave bodily injury. Using a motor vehicle to ram a suspect's vehicle or strike a pedestrian suspect is a use of deadly force. Officers are prohibited from using their vehicles to ram another vehicle or a pedestrian unless the Officer is convinced that:

i. The circumstances justify deadly force and the use of the vehicle is the only reasonable way to apply it. Officers must reasonable believe that innocent persons will not be harmed by the act and that the driver and occupants of the rammed vehicle are posing an immediate and other wise unavoidable danger of death or grave bodily harm to innocent persons, or,

ii. The probability of injury to innocent persons will be decreased if the vehicle or pedestrian suspect is rammed rather than not rammed.

a. Any vehicular pursuit or any other vehicular maneuver initiated and/or perpetuated with the intent of ramming a suspect vehicle or a pedestrian suspect will be terminated immediately if it cannot be accomplished and/or continued with a reasonable degree of safety to the Officer(s) involved and the public.

d. Any high speed vehicle pursuit is considered extremely dangerous and is not authorized unless circumstances fall within General Order 317.

2. IMPACT WEAPONS

a. BATONS

i. Is a "compliance tool" that can overcome non-deadly physical force of a suspect resisting arrest.

ii. Officer shall not use batons to subdue a suspect armed with a club, nor attempt to physically disarm a suspect.

i. Becomes lethal if used incorrectly, recklessly or correctly under drastic circumstances.

ii. Strikes (including flashlights and other improvised impact weapons) can easily cause death or serious bodily injury if delivered to the head, throat, neck, spine, kidneys, joints, liver, sternum, diaphragm or genitalia.

iii. Strikes delivered to these areas are considered deadly force and may be delivered by Officers only if deadly force is otherwise

indicated and justified and cannot reach their firearm in time to abrogate the threat.

vi. Officers may assume that they are in deadly danger of being struck when attacked by a suspect using a club or another impact weapon.

vii. When a suspect is armed with a club, Officers may only fire in order to prevent the suspect from getting in the zone of danger. For example, during a scuffle a suspect has disarmed the Officer and is about to use the Officer's own baton against them.

b. HANDCUFFS

i. Striking a suspect with a set of handcuffs can cause serious injury and may become an application of deadly force.

ii. The use of handcuffs as an impact weapon is not authorized unless the situation is such that the handcuffs are the only instrumentality reasonably available with which the Officer can defend him/herself.

c. FIREARM

i. Striking a suspect with a firearm can cause grievous injury and in extreme cases is a use of deadly force.

ii. Firearms will not be used as impact weapons, except under circumstances so drastic that the Officer is convinced that the balance of risks is in favor of doing so.

iii. It is also dangerous because the suspect may be able to take the gun away from the Officer or the gun may discharge unintentionally and wound the suspect or the Officer or may damage the weapon to make it inoperable.

4. FLEEING FELONS

a. Officers may shoot a fleeing person who is suspected of committing a violent felony but are not required to.

b. Five conditions must be met to justify the use of deadly force to apprehend a fleeing, forcible felon:

i. The fleeing suspect must be known (directly observed by or reliably known to the Officer) to have recently committed or attempted to commit a violent forcible felony;

ii. The Officer must have made every practicable effort to identify themselves as police Officers;

iii. The Officer must have exhausted every other reasonable and practicable means of preventing the suspect from escaping;

iv. Firing at the suspect can be accomplished with reasonable safety to innocents who may be in the direction of fire; and

v. The suspect's continued freedom creates an unequivocal and immediate threat to the safety of innocent people.

4. 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.

5. 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 indicated 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.

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 ADMINSTRATIVE 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. Officers shall complete the Use of Force section in Zuercher Suite when involved in any incident involving the use of force.

322.10 USE OF FORCE: IN-SERVICE USE OF FORCE LEARNING OBJECTIVES FOR PEACE OFFICERS AND PART-TIME PEACE OFFICERS

INTRODUCTION

The authority to use deadly force, conferred on peace officers by statute, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sancity of every human life. Further, every person has a right to be free from excessive use of force by officers acting under color of law.

The following learning objectives have been developed to assist law enforcement agencies in providing use of force continuing education to officers. Pursuant to MN STAT 626.8452 this training must be provided to all peace officers and part-time peace officers annually and each officer is required to receive instruction relative only to weapons and equipment the officer is issued or authorized to use. The term annually has been defined by the POST Board to mean at least once per calendar year.

There are many formats for delivering continuing education. Agencies are encouraged to explore creative and co-operative means of providing this education. Each law enforcement agency must determine minimum competency levels appropriate for agency personnel and nothing in these objectives prohibits an agency from developing additional objectives, or setting higher standards. Agencies are also encouraged to submit suggestions for revisions to these objectives to the POST Board.

A. USE OF FORCE

General learning goal: The officer will explain the criteria that are used to determine when force may be employed, the circumstances that justify the use of deadly force, and the liabilities attached to the use of force.

Performance Objectives:

1. The officer will identify the four instances in which MN STAT 609.06 subd. 1(a)-(d) authorizes a public officer to use reasonable force.
2. The officer will demonstrate familiarity with the agency's policies concerning the use of deadly force.
3. The officer will explain why MN STATS 629.32 and 629.33 are relevant to use of force.
4. The officer will explain the concept of objectively reasonable use of force by peace officers and factors that influence the tool, technique or tactic an officer may choose to use in a situation. The following concepts will be discussed:
   a) Verbal skills.
   b) Empty hand techniques.
   c) Intermediate weapons.
   d) Deadly Force.
   e) Totality of the circumstances.
5. The officer will demonstrate knowledge of how an individual's physical, mental health, developmental or intellectual disabilities may affect the individual's ability to understand or comply with commands from peace officers.
6. The officer will explain how, normally less lethal techniques and weapons may become lethal.
7. The officer will demonstrate knowledge of the circumstances under which a peace officer may use deadly force under MN STAT 609.066.
8. The officer will demonstrate familiarity with the agency's policies concerning the use of force.
9. The officer will explain the civil, criminal, licensing, and employment consequences of unlawful or unreasonable use of force.
10. The officer will demonstrate knowledge of the duty to intercede and duty to report when observing another officer using force in violation of section 609.066 subd. 2 or otherwise beyond that which is reasonable under the circumstances.

B. READINESS ASPECTS OF USE OF FORCE

General learning goal: The officer will explain the importance of mental and physical readiness, and emotional trauma.

Performance Objectives:

1. The officer will explain how extremely stressful situations will affect physical and mental functioning. The explanation must cover the following.
    a) Breathing and circulation.
    b) Changes in sensory perception.
    c) Changes in motor skills.
    d) Physical trauma

2. The officer will identify the symptoms of emotional trauma that may arise from critical incidents and discuss the need for evaluating and treating their effects, to include:
    a) Sleep disturbances.
    b) Emotional distancing.
    c) Hyper-alertness or exaggerated startle response.
    d) Memory impairment or trouble concentrating.
    e) Inability to express feelings.

3. The officer will explain the agency's response to officers involved in deadly force and other critical incidents.

4. The officer will explain the concept of "post-shooting trauma" that people can have varying responses when force, including deadly force, is applied.

C. VERBAL AND NON-VERBAL COMMUNICATION STRATEGIES

General Learning Goal: The officer will explain the importance of and demonstrate proficiency in integrating communication skills where safe and feasible along with tactical de-escalation strategies in volatile situations.

Performance Objectives:

1. The officer will understand the importance of the following areas:
    a) Active listening and verbalization/command skills
    b) Use of volume, pitch and pace.
    c) Contextual or non-verbal communication: body language.
    d) Lack of compliance considerations: Medical conditions, mental impairment, physical limitations, language barrier, behavior crisis, drugs or alcohol use.
    e) De-escalation/conflict management strategies: when safe and

feasible, barriers, containment, communication, limiting exposure, distance, and other tactics to reduce the need for force.

D. PROFICIENCY WITH UNARMED CONTROL MEASURES

General learning goal: The officer will demonstrate proficiency and explain the importance of unarmed control measures which are authorized by the officer's agency.

Performance Objectives:

1. The officer will demonstrate proficiency in the following areas:
   a) Handcuffing techniques (and other restraining devices) from positions: prone, standing, kneeling.
   b) Weapon retention-authorized firearms (in and out of holster) and other agency approved equipment including electronic control weapons.
   c) Empty hand techniques
   d) Integration of empty hand techniques and weapons systems to include weapon transitioning and weapon retention.

2. Identify limitations on the use of certain restraints by a peace officer as described in Minn. Stat. 609.06, including limitations on chokeholds, tying all of a person's limbs together behind a person's back, and securing a person in any way that results in transporting the person face down in a vehicle.
   a) a) Describe and demonstrate protocols and procedures designed to safely transport a person in custody.

E. PROFICIENCY WITH INTERMEDIATE FORCE WEAPONS

General learning goal: The officer will discuss and demonstrate proficiency with the various intermediate weapons used by the agency.

Performance Objectives:

1. If the officer is issued or authorized to carry or use chemical aerosols, impact weapons, specialty impact munitions, electronic weapons, or other intermediate weapons, the officer will demonstrate proficiency in the use of these weapons consistent with agency policy (or policies).

2. Discuss the impact of low light and adverse weather conditions on the use of intermediate weapons.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 323.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: November 10, 2021

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 affect 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 9mm, .40 caliber, and .45 caliber.

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 altercation 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 on-duty, 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 official course shot must follow the POST Learning Objectives and 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.

c. Only commercially procured, re-manufactured, "practice" ammunition may be used for training courses.

d. Only commercially procured 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 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.

e. Pass detailed inspection by the Department's Firearms Instructor(s).

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 Patrol 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 front and rear (iron) sight, whether or not additional sighting devices are used.

l. Patrol Rifle Magazines will always be loaded at (-2) from maximum capacity when Patrol ready. {30 round magazine will contain 28 rounds} {10 round magazine will contain 8 rounds}.

323.02 OFF-DUTY & BACKUP GUNS

1. DEFENITIONS:

a) Off-Duty; Off-Duty Officers are members of the Police Department that are not acting in the scope of their duty, not compensated for time, not in control of Police Department vehicles, or carrying out any function associated with The Mille Lacs Tribal Police Department.
b) On-Duty; On-Duty Officers are member of the Police Department that are in the scope of their duty or employment. On-Duty is compensated for time at the member's rate of pay. On-Duty can consist of being in physical control of a Police Department motor vehicle, attending training, attending a work or community function, special assignment, In-State or Out-State at a location of lodging for the purposes of attending a training course.
c) Back-Up Handgun: For the purposes of this section, a Back-Up Handgun is a handgun owned by a Licensed Police Officer of this Department. A Back-Up Handguns that fits the criteria of this section can be carried by an officer on-duty, under the conditions of this section.
d) Plain Clothes Officers; On-Duty Officers, Investigators, Sergeants, and Command Staff will at times be in plain clothes attire and not in uniform. Plain clothes attire is common dress for training events, meetings, special assignments, and Investigation Division.

2. OFF-DUTY CARRYING OF FIREARMS

Off-duty Officers may carry firearms in accordance with Minnesota State Statute 626.714. Off-Duty Officers that carry handguns shall have in possession their Minnesota Peace Officer's License, Government Identification Card, and State Identification Card, unless an Officer has an active State Permit to Carry Card.

Although not required, Officers are recommended to conceal a carried weapon and have their Police Badge in their possession while carrying a firearm in public. This practice of carrying a handgun Off-Duty is optional and not required.

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.

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.

3. ON-DUTY PLAIN CLOTHES

On-Duty plain clothes Officers carrying firearms must also carry the badge and police identification.

(1) If the handgun is concealed, the badge and police identification card can be kept together in a wallet/folder, which can be held overhead and displayed by the Officer. The badge 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 the gun and badge.

(2) If the handgun is not concealed, the badge can be worn on the belt near the firearm to be displayed with the firearm.

(3) If the handgun is concealed, the badge can be worn on a neck chain to be immediately displayed by pulling from underneath the shirt or jacket, upon use or display of the firearm.

(4) If the handgun is not concealed, the badge can be worn on a neck chain and displayed at the chest at all times.

4. 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 Back-Up guns (see below).

ii. Be carried in such a manner that it is not seen by the public or suspects, if carried as a back-up to the Department issued Duty handgun.

iii. Be carried in a secure manner so that it will not fall out inadvertently or be accessed by a suspect.

iv. Back-up handguns may be used in lieu of Department issued handguns for On-Duty Plain Clothes assignments.

5. BACKUP GUN CRITERIA

a. GENERALLY

The criteria for duty handguns applies to backup handguns. Back-Up handguns require reliability, power, accuracy, control, and suitability to typical police situations. Back-Up handguns 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: 9mm cal., .40 cal., or .45 cal.

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 back-up handguns when they qualify with duty handguns. Officers who qualify with a personally owned weapon to be used as a back-up handgun will provide their own ammunition at the qualification (practice ammunition) and purchase their own approved Duty ammunition.

d. Department Registration: The make, model and serial number of all back-up handguns must be registered with the Department. All back-up handguns must be approved prior to use by the Chief of Police and the Firearms Instructor and meet Department standards. Back-up 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" SWAT Officers only, with the exception of the Precision (sniper) rifle. The Precision (sniper) rifle may be utilized by a non- SWAT 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-duty). 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.

2. 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; 9mm, .40 caliber, .45 Caliber

   c. Patrol Rifle; .223 caliber

   d. Back-up Handgun; to match approved calibers for this purpose

4. Purchase of Ammunition: The department will provide training and service ammunition for department-issued firearms only.

5. Rotation of Ammunition; The Lead Firearms Instructor will ensure that ammunition is purchased on a timely basis and rotated every two (2) years.

323.05 TRAINING

Officers must be able to safely handle their weapon. The Department requires that all licensed officers, be qualified to carry back-up and Department issued 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 a bi-annual official handgun qualification course.

   b. Officers carrying a shotgun must pass a bi-annual official shotgun qualification course.

   c. Officers carrying a department patrol rifle must pass a bi-annual official patrol rifle qualification course.

   d. Officers carrying a department issued shotgun, fully converted with orange labeled markings and designated to be used as a Less than Lethal Shotgun, will follow the Less than Lethal Shotgun Annual User Certification and Qualification requirements.

   e. Officers who have been assigned a Precision Rifle, must pass an annual Precision Rifle Qualification Course.

2. MANDATORY FIREARM COURSES

   a. Officers shall annually participate, under supervision, in the following:

      i. Handgun bi-annual qualification course, to include an annual night qualification;

      ii. Shotgun bi-annual qualification course; for those carrying a shotgun

      iii Patrol Rifle bi-annual 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.

Officers who are assigned a Precision Rifle, must maintain monthly trainings: Trainings will confirm weapon zeroing, documentation of date, time, distances, and weather conditions. Targets will be turned in and filed in Precision Rifle Marksman's training folder. Training and course of fire will be in effect 01/01/2022.

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 month. 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, 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. 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 our of control, either at the scene or a distance away, with predictable injurious consequences

323.07 FIREARMS: IN-SERVICE USE OF FORCE LEARNING OBJECTIVES FOR PEACE OFFICERS AND PART-TIME PEACE OFFICERS

INTRODUCTION

The authority to use deadly force, conferred on peace officers by statute, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sancity of every human life. Further, every person has a right to be free from excessive use of force by officers acting under color of law.

The following learning objectives have been developed to assist law enforcement agencies in providing use of force continuing education to officers. Pursuant to MN STAT 626.8452 this training must be provided to all peace officers and part-time peace officers annually and each officer is required to receive instruction relative only to weapons and equipment the officer is issued or authorized to use. The term annually has been defined by the POST Board to mean at least once per calendar year.

There are many formats for delivering continuing education. Agencies are encouraged to explore creative and co-operative means of providing this education. Each law enforcement agency must determine minimum competency levels appropriate for agency personnel and nothing in these objectives prohibits an agency from developing additional objectives, or setting higher standards. Agencies are also encouraged to submit suggestions for revisions to these objectives to the POST Board.

PRINCIPLES OF FIREARMS USE

General learning goal: During the course of practical firearms training, (sections F and G) the officer will demonstrate knowledge of firearms safety, firearms maintenance, handgun shooting principles

and familiarization with authorized firearms. This training will be consistent with agency policies and individual officer assignments.

Performance Objectives:

3. The officer will demonstrate safe handling of all firearms used during training. This will include:

   a) Safely and correctly loading and unloading the firearms.
   b) Safely and correctly holstering and drawing the firearms.
   c) Safely and correctly clearing malfunctions.
   d) Safely and correctly maintaining authorized firearms.

4. The officer will describe the various methods of handling and storing firearms while off-duty in compliance with MN STAT 609.666. The need for security of firearms kept in the officer's home will also be explained.

5. The officer will identify authorized firearms categories and corresponding ammunition utilized by the agency.

6. The officer will explain situations in which use of the weak hand may be required.

7. The officer will explain the circumstances that justify the use of deadly force by peace officers.

F. HANDGUN RANGE EXERCISES

General learning goal: Any officer who is issued or is authorized to carry a handgun, will effectively and safely utilize the authorized handgun(s) on a qualification course of fire.

Performance Objectives:

1. The officer will demonstrate effective techniques in the following areas:

   a) Close encounter shooting.
   b) Shooting from cover.
   c) Reloading Techniques.
   d) Weapon/reaction hand shooting.

2. The officer will fire a qualification course consisting of no less than 50 rounds. The course of fire may be conducted with duty ammunition, or with lead free, frangible, or non- toxic ammunition that has ballistic performance similar to the issued service ammunition.

3. During the course of fire, the officer will fire from close, medium and long range. Close range means less than 7 yards; medium range means 7 to 14 yards; and long range means 15 to 25 yards (Suggested use of ammunition allotment: 50% at close range; 40% at medium range and 10% at long range.)

4. The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.

G. OTHER FIREARMS RANGE EXERCISES

General learning goal: Any officer who is authorized to use other firearms (shotgun, rifle, etc.) will effectively and safely utilize these firearms in a qualification course of fire.

Performance Objectives: Shotgun

1. Given a qualification course of fire, the officer will successfully complete the following:
   a) The officer will fire the weapon at various distances, using various shooting positions.
   b) The officer shall consider the projectile spread and background beyond the area of the immediate threat when making the decision to select the shotgun or other authorized firearm.
   c) During this exercise, the officer may use duty ammunition, or ammunition that has ballistic performance similar to the issued service ammunition. It is recommended that officers' duty ammunition, if not expended during the yearly course of fire, be replaced at least every two years.
   d) The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.
   e) The officer will fire a minimum of 10 rounds during this exercise.

Performance Objectives: Rifle

a) The officer will fire the weapon at various distances, using various shooting positions.
b) The officer shall consider distance and shot accuracy when selecting the rifle or other authorized firearm.
c) During this exercise, the officer may use duty ammunition or ammunition that has ballistic performance similar to the issued duty ammunition. It is recommended that the officer's duty ammunition be replaced every two years.
d) The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.
e) The officer will fire a minimum of 20 rounds during this exercise.

I. FIREARM SELECTION

General learning goal: The officer will identify the situations and considerations involved in determining which firearm (handgun or other firearm) is appropriate in various tactical situations.

Performance Objectives:

1. The officer will identify important considerations when deciding which firearm Should be used in a tactical situation, to include:

    a) The physical environment.
    b) The number of suspect(s).
    c) The weapons available to suspect(s).
    d) The presence of bystanders, hostages, or other innocent persons.
    e) The presence and deployment of assisting officers.
    f) The officer's level of training with authorized weapons.
    g) The firearms policy of the agency.
    h) The potential for ricochet, projectile pattern and projectile penetration.

2. The officer will describe and compare the recognized or effective range of various firearms authorized by the agency.

J. USE OF FIREARMS IN LOW LIGHT AND IN ADVERSE WEATHER

General learning goal: The officer will demonstrate the ability to effectively fire their authorized weapons to include handgun, rifle and shotgun in low light and in adverse weather conditions.

Performance Objectives:

1. The officer will demonstrate the ability to effectively use weapon light systems or other illumination devices in low light conditions.

    a) Muzzle flash.
    b) Target identification.
    c) Target accuracy.

2. The officer will demonstrate the ability to respond to the tactical considerations

associated with adverse weather conditions:

a) Firearm malfunction.
b) Firearm control.
c) Use of gloves.
d) Reduced mobility in drawing and firing the weapon wearing heavy clothing.
f) Impact of cold weather in reducing motor function of the extremities.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 323A.0

EFFECTIVE DATE: JANUARY 1, 2024 REVISED: August 21, 2025

SUBJECT: LESS LETHAL CONTROL DEVICES - KINETIC ENERGY WEAPONS, CONDUCTED ENERGY WEAPONS, AND PEPPERBALL TMC CHEMICAL AGENT LAUNCHER

PURPOSE

This policy provides guidelines in the use and maintenance of less lethal weapons and control devices, to include department issued less lethal shotgun and conducted energy weapons (CEWs) "Taser" described in this policy.

323A.01 POLICY

For the purpose in controlling, apprehending, and securing volatile individual(s) who are or display intentions to be violent, the Mille Lacs Tribal Police Department authorizes officers to use control devices in accordance with the guidelines of this policy and the Mille Lacs Tribal Police Department use of force policy {322.0}.

323A.02 TRAINING AND GUIDELINES

Certified Instructors shall ensure that all Officers authorized to carry, maintain, deploy, or transport less lethal control devices have been properly trained and certified by the Mille Lacs Tribal Police Department to handle such a device, and that retraining and/or recertification are completed as necessary.

(a) Training shall be conducted, monitored, and documented by instructors certified in the use and instruction of the control device involved in the training.
(b) Officers shall be provided with copies of their training certificates regarding the control devices.
(c) Officers shall demonstrate a satisfactory familiarity with the Mille Lacs Tribal Police Department's Use of Force and Use of Deadly Force Policies.

(d) Officers who fail to demonstrate proficiency or fail to attend the necessary training or certification course may be provided with remedial training.

(e) If an Officer continually fails to demonstrate proficiency in the use of a control device or routinely fails to attend scheduled training the officer shall be restricted from carrying, deploying, maintaining, or transporting the control device, until the Officer completes the necessary training requirements and demonstrates proficiency in the use of the control device.

323A.03 ISSUANCE, USE, AND CARRYING OF LESS LETHAL KINETIC ENERGY WEAPONS

Weapons and devices described in this policy may be carried and used by members of the department only if the device has been issued by the Mille Lacs Tribal Police Department, approved by the chief of police, or an authorized designee.

Control devices may be used when a decision has been made to restrain, defend, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances, or a reasonable officer deems that a lesser use of force may be ineffective.

323A.04 KINETIC ENERGY WEAPONS (LESS LETHAL SHOTGUN)

The Mille Lacs Tribal Police Department authorizes trained Officers to carry and deploy kinetic energy weapons for control or defense on individuals when such munitions present a reasonable option according to Section: 322.0 Use of Force guidelines.

Only Mille Lacs Tribal Police Department approved kinetic energy munitions shall be carried and/or deployed.

Department issued 12 gauge shotgun converted with orange stock and charging handle labeled “Less Lethal” is the only approved weapon to discharge kinetic energy munitions.

Officers are not compelled or required to use the approved munitions in lieu of another reasonable option if the Officer determines that the deployment of the munitions is unsafe or unreasonable.

323A.05 KINETIC ENERGY WEAPONS DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, Officers should consider such factors as:

(a) Distance and angle to the target
(b) Type of munitions
(c) Type of clothing worn by subject
(d) Subject's proximity to others and the scene beyond the subject
(e) Subjects' location
(f) Whether the subject's actions dictate the need for immediate response, and the use of the device appears reasonable and appropriate.

A warning regarding the intended use of the device should precede its deployment, unless it may otherwise endanger the safety of Officers or others, or it is not practicable due to the circumstances. The purpose of this warning is to allow the subject a reasonable opportunity to comply.

Officers should keep in mind the manufacturer recommendations and training regarding the deployment distances and target areas. However, Officers are not restricted solely to deployment based upon manufacturer recommendations. Each deployment shall be evaluated based upon the totality of the circumstances surrounding the deployment.

The need to incapacitate the subject must be weighed against the risks of causing significant injuries or death. Officers should not target the head or neck of the subject using the weapon unless there is a reasonable belief that the subject poses an imminent threat of great bodily harm or death to Officers or others as defined in Policy Section 322.01(g).

Officers shall avoid deploying a control device from a moving patrol vehicle or in the direction of a moving vehicle.

Officers should not utilize control devices for the purpose of destroying obstructions of view, including windshields, windows, or doors.

323A.06 ISSUANCE, USE, AND CARRYING OF CONDUCTED ENERGY WEAPONS (CEWs)

Only Officers who had successfully completed Mille Lacs Tribal Police Department approved training may be issued and carry CEWs (Taser).

The certified instructor shall keep a log of issued CEW devices and the serial numbers of cartridges issued to Officers.

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

Officers shall only use the CEW and cartridges that have been issued by the Mille Lacs Tribal Police Department. Cartridges should not be used after the manufacturer's expiration date.

Taser 7 cartridges shall be arranged with the Close Quarter 12-degree cartridge on the left side and the Standoff 3.5-degree cartridge on the right side of the Taser 7, unless previous authorization has been received by a Taser Instructor or designee for an alternative cartridge arrangement.

Officers who carry the CEW while in uniform shall wear it in an approved holster. Officers who carry the CEW while in uniform shall carry it in a holster on the side opposite of the duty weapon.

(a) All CEWs shall be clearly distinguishable to differentiate them from the duty weapon firearm or any other device.
(b) Whenever practicable, Officers should carry a set of additional cartridges on their person when carrying a CEW.
(c) Officers shall not hold a firearm and a CEW (Taser) at the same time.

Non-uniformed Officers may secure the CEWs in a concealed, secure location inside of the driver's compartment of their vehicles.

323A.07 MAINTENANCE

A certified instructor may issue less lethal weapons and devices upon an Officers' completion of the appropriate training in the use and maintenance of the less lethal weapon or device.

Command staff and applicable instructors are responsible in ensuring that there is an accurate inventory of less lethal control devices, and control devices or munitions are repaired, replaced, or disposed of as necessary.

Command staff may conduct inspections of control devices to ensure the devices are properly functioning and appropriately maintained.

All normal maintenance, charging, or cleaning shall remain the responsibility of the officer issued the device.

Damaged, inoperative, outdated, or expended devices, munitions, CEW cartridges, or related equipment should be promptly reported to an Officer's supervisor. The reason that the equipment has become damaged or inoperative should be documented if known by the officer's supervisor.

Officers shall be responsible for ensuring that the issued CEWs are properly maintained and are in good working order. Function tests and battery life monitoring as required by the manufacturer should be completed at the beginning of each Officer's shift.

323A.08 APPLICATION OF CONDUCTED ENERGY WEAPONS (CEWs)

Authorized Officers may use CEWs when circumstances known to the Officers at the time indicate that such application is reasonable to control or defend a person in any of the following circumstances:

a) A violent or physical resisting subject.
b) A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm Officers or others.
c) When practicable the Officer should give verbal warnings followed by a reasonable opportunity to voluntarily comply.
d) Officers should be able to articulate why the use of a CEW was most practicable.

Although CEWs may be effective in controlling most individuals, Officers should be aware that the device may not achieve the intended results and be prepared with other options. If sufficient personnel are available, an Officer designated as lethal cover for any Officer deploying a CEW should be considered for Officer safety.

323A.09 CEW TARGET CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest, or groin. It is recognized that the dynamics of each situation and Officer safety may not permit the Officer to limit the application of the CEW darts to a precise target area.

As such, Officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest, or groin until he/she is released to the care of medical personnel.

323A.10 MULTIPLE APPLICATIONS OF CEW

If the first application of the CEW appears to be ineffective in gaining control of an individual and if circumstances allow, the Officer should consider the following before additional applications of CEWs:

(a) Whether the probes or darts are making proper contact.
(b) Whether the application of the CEW is interfering with the ability of the individual to comply.
(c) Whether verbal commands, other options or tactics may be effective.

This, however, shall not preclude any Officer from deploying multiple, reasonable applications of the CEW on an individual.

323A.11 VERBAL AND VISUAL WARNINGS FOR CEWs

A verbal warning of the intended use of the CEW (Taser) should precede its application, unless it would otherwise endanger the safety of Officers and others, or when it is not practicable due to the circumstances.

The purpose of this warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.
(b) Provide other Officers and individuals with a warning that the CEW may be deployed.

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

The laser shall not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning(s) were given or the reasons warning(s) were not given shall be documented by the Officer deploying the CEW in the related reports and use of force documentation.

323A.12 CEW DEPLOYMENT CONSIDERATIONS

The application of CEWs is likely to cause intense, but momentary, pain. As such, Officers shall carefully consider and balance the totality of the circumstances available prior to using the CEW including, but not limited to, the following factors:

(a) The conduct of the individual being confronted (as reasonably perceived by the Officers at the time)
(b) Officer/subject factors (i.e. age, size, relative strength, skill level, injury/exhaustion, number of Officers vs. subject(s).
(c) Influence of drugs and alcohol, and mental capacity.
(d) Proximity of weapons.
(e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the Officer under the circumstances).
(g) Seriousness of the suspected offense or the reason for contact with the individual.
(h) Training and experience of the Officer.
(i) Potential risk for injury to citizens, Officers, and suspects.
(j) Risk of escape
(k) Other exigency.

323A.13 SPECIAL CEW CONSIDERATIONS

The deployment of a CEW shall generally be avoided in the following circumstances unless the totality of the circumstances indicates that other options reasonably appear to be ineffective, impractical, or would present a greater danger to the Officer, subject, or others. The Officer reasonably believes the need to control the individual outweighs the risk of using a CEW:

(a) Pregnant females.
(b) Elderly individuals or obvious juveniles.
(c) Individuals who are handcuffed or otherwise restrained.
(d) Individuals who have recently been sprayed with a flammable chemical agent or who are otherwise in close proximity to flammable material.

(e) Individuals whose positions or activities may result in collateral injuries. (e.g., falls from height or operating a vehicle).

Because the applications of the CEW in the drive-stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised.

The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

The CEW shall not be used to torture, psychological torment, elicit statements or to punish any individual.

323A.14 DATA DOWNLOADS AND RECORDS FOR CEWs

After a deployment and as soon as practical, Officers are to dock their Taser 7 batteries into the docking station to download the device's information to evidence.com.

Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge along with both probes and wires should be retained by the deploying Officer for future reference. The cartridge serial number should be noted and documented, and the cartridge packaging should be marked as a biohazard if the probes penetrated the subject's skin.

When possible, a supervisor should respond to calls when they reasonably believe there is a likelihood that control devices may be used. A supervisor should review each incident where a person was subjected to the deployment of control devices. Digital data regarding deployment should be saved by supervisors or instructors.

323A.15 RENDERING AID, POST APPLICATION, DEADLY FORCE

Upon the deployment of control devices, Officers shall make a reasonable effort to render medical aid to the subject of the deployment as necessary, when it is safe for Officers, subjects, bystanders, and medical personnel to do so. Officers should contact medical personnel for evaluation and treatment following the deployment of control devices.

Medical personnel or Officers trained in doing so may remove CEW probes from subjects as universal precautions should be taken.

Officers or Medical personnel should consider transporting subjects to a medical facility for evaluation prior to booking or incarceration.

Officers shall inform medical personnel that the subject has been subjected to the application of a control device.

Officers should take appropriate actions to control and restrain an individual as soon as reasonably practicable to minimize the need for longer, or multiple deployments. Supervisors should be appropriately notified after the deployment.

In the event that a control device is used in a manner in which the level of force applied to a subject is considered deadly force, Officers shall follow critical events procedure as outlined in the Mille Lacs Tribal Police Department Deadly Force Critical Event Procedure Policy (322.07). Levels of force applied using a control weapon shall be evaluated considering the totality of the circumstances surrounding the deployment and the Mille Lacs Tribal Police Department Use of Force Policies.

323A.16 DANGEROUS ANIMALS

Control devices may be used against an animal if the animal reasonably poses an imminent threat to Officers or the public.

323A.17 DOCUMENTATION

All deployments and applications of a control device shall be documented as required under the Mille Lacs Tribal Police Department Use of Force Policies.

All negligent discharges of CEWs or Less Lethal Weapons shall be documented in a report.

Reports should include the identification of the Officer applying the control device, witnesses, medical care provisions, Officers observations, and any known or suspected intoxication or medical problems.

323A.18 OFF DUTY CONSIDERATIONS

Officers are not authorized to carry control devices issued by the Mille Lacs Tribal Police Department when operating outside of their official duties.

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

323A.19 PEPPERBALL- TIPPMANN TMC LAUNCHER

The Tippmann TMC Magfed Paintball launcher, that launches .68 caliber PepperBall Chemical Impact Agent(s), referred to as "PepperBall"; have been determined to be extremely effective, less than lethal and/or non-lethal weapon for gaining compliance of uncooperative subjects. Force shall be used in compliance with Department Policy 322.0 and Minnesota State Statutes.

DEFINITION

PepperBall projectiles contains capsaicinoid chemical agent delivered from the PepperBall Tippmann TMC launcher. PepperBall is a non-lethal chemical agent delivery system first with the capability to also deliver kinetic impact with a low likelihood of causing serious injury. The Pepperball projectiles are designed to break and release the chemical agent in a powder form. The powder cloud can be used on an individual or group, directly or indirectly.

APPLICATION

1. PepperBall may be used in situations;
   - Where force is justified to control an aggressive or combative individual subject or a crowd/multiple subjects, thereby reducing the likelihood of injury to officers, subjects, and nearby persons.
   - Where the subject is posing a threat to harm themselves.
   - To saturate an area around a noncompliant subject in an effort to gain compliance.
   - To neutralize a significant threat that would otherwise result in the use of deadly force or other force.

2. A verbal warning should be given if feasible; a verbal warning is not required in situations where a delay in use of the PepperBall would pose a risk to the officer, subject, or others. The use of plain language, "Pepper Ball, Pepper Ball!" is preferred to alert the subject, public, and other officers of the use of PepperBall.

3. When using the PepperBall during a crowd control situation, additional warnings should be given. The use of a voice projection system or speaker should be

considered and used when available.

4. There is no minimum standoff distance with the PepperBall, the maximum effective distance when using direct impact delivery is 60 feet, with a maximum effective distance of 150 feet when use in an area saturation.

5. Indiscriminate direct impacts of subjects with PepperBall is prohibited.

6. The head, neck, groin, and spinal column should be avoided when possible as these areas could cause injury. These areas should not be intentionally targeted with PepperBall, unless Officers are required to respond to a significant threat or escalate to deadly force.

   The use of PepperBall shall be consistent with this department's policy on the use of force. Nothing in this policy requires officers to deploy PepperBall in lieu of, or before, deadly force when the officer is presented with a situation where deadly force would be justified and lawful.

SAFETY CONSIDERATIONS

1. The deploying officer shall inform other officers, if applicable, of the presence and/or planned use of any specialty intermediate weapon as tactically prudent and practical, so use is not mistaken for a gunshot. Communication while in route, planning response, on scene, and while an event is in progress is important and Officers should attempt to make and maintain clear communication when using specialty intermediate weapons.

2. Officers who utilize specialty intermediate weapons should have additional cover Officer(s) with him/her that are prepared to use deadly force, if necessary, when practical.

3. Officers should move in, restrain, and control the subject(s) as soon as possible.

4. Specialty Intermediate Weapons should not be used when the subject is in danger of falling from a significant height.

5. Specialty Intermediate Weapons should not be used when a subject is in water where drowning is possibility.

6. Officers must not overlook the aspect of injury that may result in falling from a standing position after deployment of the Specialty Intermediate Weapons.

MEDICAL TREATMENT

Officers are required to render aid when feasible and care for subjects to the best of their ability and training, including when force has been used on the subject(s). Officers are not required to render aid if it jeopardizes their immediate safety or if a scene is not safe.

When PepperBall has been used on a subject, Officers must seek medical treatment for the subject if requested or in obvious need. If there is any concern about potential injury or internal injury, the subject should receive medical attention.

If a PepperBall round has entered the body of the person, the round must be removed by medical personal.

Subjects struck with PepperBall should be removed to an area with fresh air and any remaining powder should be brushed off the subject and/or clothing. Cool clean water can also be used to wash powder off exposed skin.

RESTRICTED USES

1. Specialty Intermediate Weapons shall not:
    a. Be used on individuals exhibiting compliant or passive resistive behavior.
    b. Be used on restrained individuals unless the actions of the subject present an immediate threat of bodily harm to themselves or any other person.
    c. Be used on women known to be pregnant unless all other effective means have been used.
    d. Be used on young children or the elderly unless all other effective means have been used.

DOCUMENTATION

Depending on the penetration and location of the impact location of the PepperBall, and the sex of the subject, officers must make every reasonable effort to have any impact area on the subject's person photographed. If the subject is of the opposite gender, the same gender officer should take the photos.

Officers are required to fully document the use of Specialty Intermediate Weapons in their Incident Report and complete the appropriate department supplemental form and Response to Resistance form. Use of Force instructors and supervisors shall review incidents and reports to ensure compliance with this policy.

TRAINING AND DEPLOYMENT

- All Officers must be trained by a qualified Trainer/ Instructor before carrying or deploying departmental authorized PepperBall Less Lethal Weapons.
- Officers must qualify annually with all Specialty Intermediate Weapons.

STORAGE, HANDLING, AND MAINTENANCE

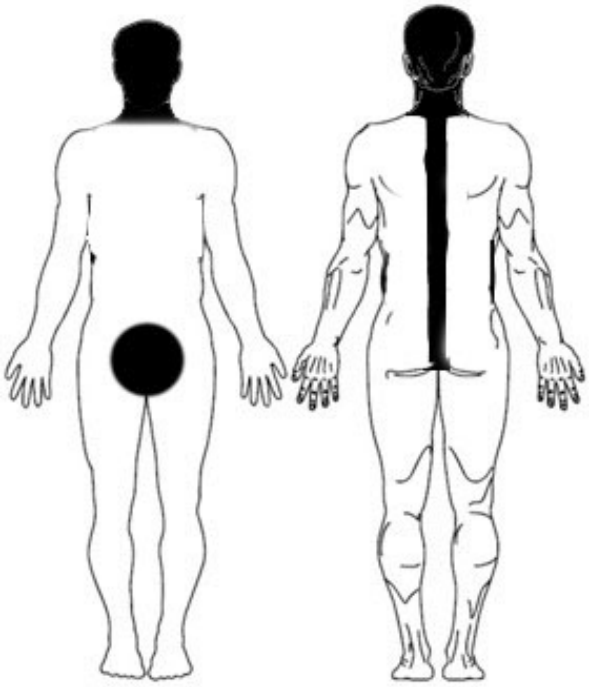
The PepperBall launcher has several delicate parts that require care and attention. The PepperBall launcher should be utilized and cared for per department training including not leaving the system pressurized and loaded if deployed.

PepperBall will be stored at the police department when not in use, when an officer carries the PepperBall weapon system to an incident, the Pepperball system will be in a padded bag secured in a secured area of a police vehicle. The PepperBall system must be returned to the storage area once no longer in use.

Officers may refill the Tippmann TMC tank with department equipment or vendor when available and reload magazines as needed.

PepperBall trained armorers are responsible for cleaning, maintenance, and inspections of the Tippmann TMC launcher system.

PEPPERBALL PREFFERED TARGETZONES



AREAS IN BLACK ARE TO BE AVOIDED

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: April 28, 2026

SUBJECT:

DOMESTIC ABUSE RESPONSE AND ARREST

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

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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.

325.02 I. POLICY

It is the policy of the Mille Lacs Tribal Police Department to recognize domestic abuse as a serious problem in today's society. This agency's policy is to protect victims of domestic abuse by ensuring its peace officers understand the laws governing this area.
Peace officers will utilize this policy in response to calls when there may be domestic abuse. This policy prescribes courses of action peace officers should take in response to a domestic call. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

II. DEFINITIONS
For the purposes of this policy, the words and phrases in this section have the meanings given to them, unless another intention clearly appears.

A. *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:
(1) physical harm, bodily injury, or assault;
(2) the infliction of fear of imminent physical harm, bodily injury, or assault; or
(3) 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.
B. *Domestic Abuse Program* means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

C. *Child* means a person under the age of 18.

D. *Family or Household Member* has the meaning given it in Minn. Stat. 518B.01, subd. 2(b)(1)-(7): 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, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

E. *Domestic Call* means a request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family of household member.

F. *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; nonconsensual dissemination of private sexual images; 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.

If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime. (See Enhancement Table appended hereto.)

G. *Order for Protection (OFP)* is an order issued under Minn. Stat. 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member of the abuser (called a respondent) may ask the court for an OFP. The relief granted to the petitioner may include an order for the respondent to stop domestic abuse, no direct or indirect contact with petitioner, temporary custody of minor children, temporary financial support, and/or counseling for the respondent. Other forms or relief are also available. Violating an OFP is a crime.

H. *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.

I. *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.

J. *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.

K. *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.

III. PROCEDURE

A. DISPATCHING THE CALLS

1. Receiving the Domestic Call: Upon receiving a domestic call, the dispatcher will assign domestic calls a high priority and should assign at least two officers to the call. If only one officer is available, all reasonable attempts should be made to obtain another officer to assist the officer who was initially dispatched.

2. Information to be Obtained: The dispatcher receiving a domestic call should attempt to elicit from the caller and should communicate to the responding peace officers as much of the following information as possible:

- the nature of the incident,
- the address of the incident, including apartment number, if applicable,
- the telephone numbers where the caller can be reached,
- whether weapons are involved or present in the dwelling,

- whether someone is injured and the nature of the injury,
- information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.,
- the relationship between the caller and the suspect,
- whether there has been prior calls involving these individuals,
- whether there is an order for protection (OFP), harassment restraining order (HRO) or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
- whether children are present at the scene, and
- whether there are non-English speaking people, or people with mobility impairments or hearing impairments at the scene.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way, and when the caller can expect the peace officers to arrive.
If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding peace officers.
If the responding peace officers are some distance away, and the dispatcher cannot remain on the telephone with the call/victim, the dispatcher should attempt to call back periodically to check on the progress of events, and call again when the officers arrive at the scene. If the dispatcher finds that a victim/caller who was recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher should relay that information to the officers.

B. RESPONDING TO THE CALLS

1. Driving to the Scene: The peace officers should respond directly and without unreasonable delay to the scene.

2. Initial Contact with Occupants: Upon arriving at the scene of a domestic call, the responding officers should identify themselves as peace officers; explain their presence, and request entry into the home. The officers should ask to see the

person who is the alleged victim. The officers should separate parties prior to taking statements. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officer should ensure all of the occupants are safe.

3. Entry

- Refused Entry – If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused the officers should request the dispatcher to contact the caller.
- Forced Entry – If access is still refused and the officers have reason to believe that someone is in imminent danger the officers are permitted to force entry.
- Search Warranty Entry – If the officers are refused entry and have no legal grounds for forced entry and have reasonable grounds to believe a crime has been committed, the officers should contact the appropriate authority to obtain a search warrant.

4. First Aid: After securing the scene, the responding peace officers shall provide the necessary first aid.

C. ARREST DECISIONS

1. Making Arrests: After securing the scene and providing any first aid, the peace officers will conduct an assessment of the lethality of the situation based on the totality of the circumstances and begin a criminal investigation to determine if there is probable cause to believe a crime has been committed based on the evidence and not solely upon the victim's desire to make an arrest. The officers should collect relevant physical evidence including weapons which may have been used, take photographs of the scene or any injuries and take statements from the involved parties and witnesses. Some of the evidence and statements include:

- photos of the scene,
- condition of clothing,
- property damage,
- evidence of physical injury including strangulation,
- excited utterances of the victim and the suspect,
- demeanor of the victim and the suspect,
- medical records including the victim's statements to paramedics, nurses and doctors,
- recorded interviews of witnesses including children who may have been present,
- evidence of any prior domestic abuse – related convictions including dates, and
- any existing OFPs, HROs or DANCOs.

NOTE: When determining probable cause, the peace officers should consider their observations and any statements made by the parties involved and any witnesses. Prior convictions may provide the basis for enhancement to a gross misdemeanor or felony charges (see D below).

2. Factors Not to be Considered in Making the Arrest:

- ownership, tenancy rights of either party, or the fact the incident occurred in a private place,
- belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction,
- verbal assurances that the abuse will stop,
- disposition of previous police calls involving the same victim or suspect,
- denial by either party that the abuse occurred when there is evidence of domestic abuse,
- lack of a court order restraining or restricting the suspect,

- concern about reprisals against the victim,
- adverse financial consequences that might result from the arrest, or
- chemical dependency or intoxication of the parties.

3. Predominant Aggressor and Dual Arrests: The agency shall discourage dual arrest[1]. 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:

[1] MN STAT 629.342 which mandates the development of a written domestic abuse arrest policy for every law enforcement agency in the state specifies that the policy "shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated."

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

4. Victim Request Not to Prosecute: If the officer finds probable cause to believe a domestic abuse offense has been committed and intends to arrest but the victim requests no arrest or prosecution, the officer should inform the victim that the decision to arrest is the officer's and the decision to prosecute lies with the prosecutor.

D. 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.
If there is a prior conviction for assault or terroristic threats against any person within two years, a gross misdemeanor may also be charged.

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 It is a felony to engage in stalking 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 the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. Stalking charges should be considered when, within a 5-year period, an individual commits or attempts to commit two or more of the criminal acts described in MN Statute 609.749, subdivision 5(b)(1) through (17).

Reports on incidents of stalking must include historical information about/between the individuals involved as well as the emotions the conduct stirred, if any, in the victim(s). This information is necessary to demonstrate patterns of behavior and to satisfy the elements of the crime. Such information is especially important when one of the acts being used to bring forth a charge of stalking was previously attempted but not charged or, possibly, previously reported. Examples of stalking behaviors include, but are not limited to:

- Surveillance
    - Waiting for the victim outside of their office, gym, or other frequented locations.
    - Using tracking software on the victim's devices.
    - Going through the victim's mail or trash.
    - Attaching a tracking device on the victim's vehicle or home.
- Life Invasion
    - Repeated unwanted contact via telephone, text messages, emails, etc.
    - Sending or leaving unwanted gifts.
    - Initiating contact through third parties.
    - Harassing the victim's friends or family.
- Intimidation
    - Using a weapon as a threat.
    - Forcing confrontations.
    - Threatening to harm or kill the victim, themselves, friends, family, pets, or others the victim cares about.
    - Threatening to share or post private information, photos, or videos of the victim.
- Interference

- Spreading rumors about the victim.
- Ruining or attempting to ruin the victim's reputation.
- Taking and/or sharing photos or videos of the victim without their consent.
- Posting deepfake photos or videos online of the victim.

For additional information regarding stalking behaviors, [officers] can refer to the Stalking Prevention Awareness and Resource Center's (SPARC) website and law enforcement information sheet

4. Harassment: A person commits a harassment crime if they:

- directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
- follow, monitor, or pursue another, whether in person or through any available technological or other means;
- return 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 make telephone calls, send text messages, or induce a victim to make telephone calls to the actor, whether or not conversations ensue;
- make or cause the telephone of another repeatedly or continuously to ring;
- repeatedly mail or deliver or causes the delivery by any means, including electronically, of letters, telegrams, messages, and packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;
- knowingly make 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; or
- use another's personal information, without consent, to invite, encourage or solicit a third party to engage in a sexual act with the person.

Harassment crimes are elevated to a gross misdemeanor if the conduct was committed with the intent to kill, injure, harass, or intimidate another person if the conduct 1) places the other person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, 2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, or 3) causes or would reasonably be expected to cause substantial emotional distress to the other person. Harassment crimes may also be elevated to a felony if the provisions of MN Statute 609.749, subdivision 3 or 4 are met.

Acts constituting a violation of harassment or stalking, when committed in two or more counties, may be prosecuted in any county in which one of the acts was committed for all acts in violation of MN Statute 609.749.

5. 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).

6. 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.

7. 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 Minn. Stat. 518B.01, subds. 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, subds. 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.

8. 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.

E. ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS, AND SERVICES

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. Assistance to Non-English Speaking Victims or Victims with Communication Disabilities: The peace officer shall use the resource list established by the law enforcement agency to contact a person to assist in those cases where the participants in the domestic call, including the witnesses, are non-English speaking, are hearing-impaired, or have other communication disabilities. The officer should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.

3. Notice of Crime Victims Rights: The peace officer shall give the victim of a domestic call a copy of the agency's crime victim notification form.

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.

4.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,).

F. 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 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.

G. 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:

- detailed statements from the victim, suspect and witnesses;
- description of injuries;
- information about past abuse;
- description of the scene;
- predominant aggressor;
- existence of language barriers;
- presence of elderly victims or those with disabilities; and
- documentation of evidence.

H. 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 investigator 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 The table below was created to assist [officers] with their probable cause arrest determinations. The table identifies which crimes a previous QDVRO conviction acts as an enhancement for. To determine the offense level and corresponding statute, start on the left side of the table by identifying the offense, then move to the right. [Officers] should confirm the information in this table with statute to verify the statute.

"Qualified domestic violence-related offense" refers to a violation of or an attempted violation of an order for protection, first-degree murder, second-degree murder, third-degree murder, first-degree manslaughter, second-degree manslaughter, first-degree assault, second-degree assault, third-degree assault, fourth-degree assault, fifth-degree assault, domestic assault, female genital mutilation, domestic assault by strangulation, kidnapping, false imprisonment, first-degree criminal sexual conduct, second-degree criminal sexual conduct, third-degree criminal sexual conduct, fourth-degree criminal sexual conduct, sexual extortion, malicious punishment of a child, burglary in the first degree, threats of violence, violation of harassment restraining order, harassment, stalking, interference with an emergency call, nonconsensual dissemination of private sexual images, 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.

Offense	Victim	Conviction Look Back Period	Previous Conviction w/in Look Back Period or Qualifying Element	Offense Level	Statute
5th Degree Assault	Any Victim			Misdemeanor	609.224, sub. 1
		w/in previous 3 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(b)
		w/in previous 3 years	QDVRO (x2)	Felony	609.224, sub. 4(b)
	Same Victim	w/in previous 10 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(a)
		w/in previous 10 years	QDVRO (x2)	Felony	609.224, sub. 4(a)
Domestic Assault	Family or Household Member			Misdemeanor	609.2242, sub. 1
		w/in previous 10 years	QDVRO	Gross Misdemeanor	609.2242, sub. 2
		w/in previous 10 years	QDVRO (x2)	Felony	609.2242, sub. 4
Violation of an Order for Protection	Family or Household Member			Misdemeanor	518B.01, sub. 14(b)
		w/in previous 10 years	QDVRO	Gross Misdemeanor	518B.01, sub. 14(c)
		w/in previous 10 years	QDVRO (x2)	Felony	518B.01, sub. 14(d)(1)
			*** commits act while possessing a dangerous weapon ***	Felony	518B.01, sub 14(d)(2)
				Misdemeanor	609.748, sub. 6(b)

Violation of a Harassment Restraining Order	Any Victim	w/in previous 10 years	QDVRO	Gross Misdemeanor	609.748, sub. 6(c)
		w/in previous 10 years	QDVRO (x2)	Felony	609.748, sub. 6(d)(1)
			because of actual or perceived protected class status	Felony	609.748, sub. 6(d)(2)
			by falsely impersonating another	Felony	609.748, sub. 6(d)(3)
			while possessing a dangerous weapon	Felony	609.748, sub. 6(d)(4)
			intent to affect juror, judicial proceeding, etc.	Felony	609.748, sub. 6(d)(5)
	Victim under 18 and respondent is more than 36 months older			Felony	609.748, sub. 6(d)(6)

Malicious Punishment of a Child	A Child		***less than substantial bodily harm***	Gross Misdemeanor	609.377, sub. 2
		w/in previous 5 years	1st – 5th Degree Assault, Domestic Assault, 1st – 4th Degree Criminal Sexual Conduct, or Threats of Violence	Felony	609.377, sub. 3
			substantial bodily harm	Felony	609.377, sub. 5
			great bodily harm	Felony	609.377, sub. 6
	A Child Under 4 Years Old		***harm to head, eyes, neck, or multiple bruises to the child's body***	Felony	609.377, sub. 4
				Gross Misdemeanor	609.749, sub. 2(c)(1-8)
		w/in previous 10 years	QDVRO	Felony	609.749, sub. 4(a)
			because of actual or perceived protected class status	Felony	609.749, sub. 3(a)(1)

Harassment	Any Victim		***by falsely impersonating another***	Felony	609.749, sub. 3(a)(2)
			while possessing a dangerous weapon	Felony	609.749, sub. 3(a)(3)
			intent to affect juror, judicial proceeding, etc.	Felony	609.749, sub. 3(a)(4)
	Victim Under 18 and actor is more than 36 months older			Felony	609.749, sub. 3(a)(5)
			sexual or aggressive intent	Felony	609.749, sub. 3(b)

325.11 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.

- 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.
- 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.

- 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.
- 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/Deputy Chief of Police. This may be done through notification via the Zuercher system.
- 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.
- Officers who engage in the following actions may be subject to discipline up to and including dismissal:

    1. Failure to report knowledge of domestic violence, stalking or sexual assault involving another law enforcement officer.
    2. 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.)
    3. Interference with cases involving themselves or fellow law enforcement officers.
    4. Intimidation/coercion of witnesses or victims. (ie.,surveillance, harassment, stalking, threatening, or falsely reporting)
    5. 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.

- 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.
- 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.

- Officers who are named in protective orders shall be subject to state and federal statutes, laws and rules with regard to any weapons.

- 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.
- 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.
- 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.
- 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.
- 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.
- The Chief of Police will see that the victim is afforded all the rights and protections under the Family Violence Protection Act.
- 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.
- 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.

- 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.

- 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: November 13, 2025

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:

"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).

"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.

"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).

"NCIC" means the National Crime Information Center.

"CJIS" means the Criminal Justice Information System.

"DNA" means deoxyribonucleic acid from a human biological specimen. (Minnesota Statutes, Chapter 299C.52subd.1 (b).

"Missing Person Networks": are databases or computer networks available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the National Center for Missing and Exploited Children (NCMEC), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

"Unmanned Aerial Vehicles or UAV": has the same meaning given to it in MN Statute 626.19, subdivision 1(a)(3).

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) and 34 U.S.C. 41307 law enforcement shall within (2) hours enter missing children less than 21 years of age into the NCIC and NamUs databases.
- 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), MNJIS KOPS Alert, 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 and a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.

7. Seek assistance from the BCA, Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office or other state agencies.
8. Seek assistance from culturally based community organizations.

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

    o 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

o C. Interpretive Services
o D. Telephone Services (traps, traces, triangulation, etc.)
o 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.

UNMANNED AERIAL VEHCILES

UAVs may be used without a search warrant during a search for a missing and/or endangered person so long as one of the exceptions listed in MN Statute 626.19, subdivision 3 applies to the circumstances of the case.

TRAINING

All personnel shall receive training on this agency's missing and endangered persons policy and procedures during field training (or upon initial hire) and as updates occur.

STATUTORY REFERENCES

- MINNESOTA MISSING PERSONS ACT

    - MN STATUTE 299C.51 – Citation
    - MN STATUTE 299C.52 – Minnesota Missing Children and Endangered Persons Program
    - MN STATUTE 299C.53 – Missing Persons Report; Duties of Commissioner and Law Enforcement Agencies
    - MN STATUTE 299C.535 – Request for Additional Information on Missing Person
    - MN STATUTE 299C.54 – Missing Children Bulletin
    - MN STATUTE 299C.55 – Training
    - MN STATUTE 299C.56 – Release of Medical Data
    - MN STATUTE 299C.565 – Missing Person Report
    - MN STATUTE 299C.5655 – Missing Persons; Standardized Reports and Procedures
- MN STATUTE 390.25 – Unidentified Deceased Persons
- MN STATUTE 626.8454 – Manual and Policy for Investigating Cases Involving Children Who are Missing and Endangered
- MN STATUTE 626.19 – Use of Unmanned Aerial Vehicles
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
- 34 U.S.C. 41307 – Reporting Requirements for Missing Children

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.

5MILLE 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 which emergency circumstances require the Chief of Police to be notified. The Sergeant will notify the Lieutenant, who will then notify the Chief of Police of these circumstances and events surrounding the particular situations that arise. 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: MAY 11, 2022

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 and tracking K-9s 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, track an individual who is lost or a fugitive of justice, or to search for articles.

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 handler’s 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 or canines with expired certification 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. <u>USE OF FORCE AND INJURIES</u>

a. Use of Force

Whenever a canine bites an individual, whether in the line-of-duty or off-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.

4. 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.

j. Drug-sniffing Canine warrantless searches of motor vehicles

iii. Canines may not enter a motor vehicle, until a prior purported alert is made on the exterior of the subject vehicle, and <u>until</u> a “full and final alert” is made to justify probable cause, Officers may not enter the motor vehicle on a warrantless search.

iv. When food or other distraction items are removed from the plain view areas of a vehicle, time must be permitted and documented for the odor to dissipate.

5. <u>CANINE CARE AND MAINTENANCE</u>

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

ii. the handler is transferred, promoted or retires and a decision is made not to retrain the canine for another handler.

g. Canine handlers are authorized (3.5) hours of overtime pay per week for the maintenance and training during off duty hours.

6. CANINE TRACKING

a. Handlers may utilize a K9 certified in tracking for a lost person or fugitive of justice.

b. Handlers and/or Supervisors may use their discretion on the use of the canine for tracking purposes, based on weather conditions, freshness of the track, and seriousness of the crime involved.

c. Upon deploying a canine for the purpose of a track, Handlers will utilize at least one cover officer for the purpose of tracking a fugitive of justice.

d. Unless in fresh pursuit, a search warrant for tracking on private property shall be obtained.

7. CANINE TRAINING AND DEPLOYMENT RECORDS

Each Police canine handler will log each training session event. The training sessions will be logged on a spreadsheet or equivalent approved by the Chief of Police. Each spreadsheet will contain a monthly training breakdown, to include,

a. Date of training,
b. Training location,
c. Type of Training,
d. Time and Length of Training,
e. Description of the training event.

Each training session that involves drug hides, will also include,

I. Description of the number of found hides by canine per location
II. Description of the number of missed alerts by canine per location
III. Number of sweeps past location of hides per location until alerted
IV. The state of the environment of the training location

During one training session each month, the Canine Officer will perform a training event in the presence of the Canine Officer's supervisor. The Supervisor will monitor the training session and evaluate the performance of the training and Canine. The Supervisor will submit an observation report to the Deputy Chief, the observation report will include the following {(7) (a-e) (I.-IV.).}

Police canine handlers will ensure an Incident Complaint Report (ICR) will be completed separately for every canine use. Canine uses include drug sniffs and canine tracking events, which a new (ICR) will be used other than the incident related case (ICR).

Police canine handlers will submit their monthly training log reports at the end of each month to the Deputy Chief of Police for record keeping.

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.

g. 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.

h. 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 OVER WEIGHT 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 imagining 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: February 5, 2019

SUBJECT: INVESTIGATING SEXUAL ASSAULTS

PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

341.01 POLICY

It is the policy of the Mille Lacs Tribal Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

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

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

A. **Consent:** As defined by Minn. Stat. 609.341, which states:
   (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
   (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
   (3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

   (1) spouses or former spouses;
   (2) parents and children;
   (3) persons related by blood;
   (4) persons who are presently residing together or who have resided together in the past;
   (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
   (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
   (7) persons involved in a significant romantic or sexual relationship

D. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

E. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being

of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult***:* any person 18 years of age or older who:
   (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;
   (2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
   (3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or
   (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
      (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
      (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

341.03 PROCEDURES

B. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

C. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

i. Assess whether immediate medical attention is necessary for the victim in the initial response. This is in the manual in regards to domestic violence, but I think

it could be included in the sexual violence section as well. Native women are more likely to be physically assaulted during sexual assault, particularly in sustaining blows to the head, so they are may be more at risk for a TBI or other serious injuries needing medical attention that may not be visible but become apparent after speaking with the victim (such as indications of brain injury). As always, the victim should be informed of his/her right to consent or decline in whether to acquire medical services following a sexual assault.

ii. Ask if the victim would like a woman officer present or a woman victim's advocate present during the interview. A lot of victims don't feel comfortable speaking with male officers after a sexual assault and will report that they want to speak to a woman officer/advocate. If a woman officer isn't available, permit the victim to have a woman victim's advocate accompany her to the interview.

iii. Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

iv. The officer shall attempt to determine the location/jurisdiction where the assault took place.

v. Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

vi. Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

vii. Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a singed medical release from the victim.

viii. Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

ix. Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

x. Request preferred contact information for the victim for follow-up.

D. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

E. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse
Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

F. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Officers must provide the following information to the victim:
    a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
    b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
    c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
    d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

G. Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

    c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

    d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

H. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:

a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

I. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
    a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
    b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

J. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.

2) Determine whether a sexual assault medical forensic examination should be conducted.
3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
    a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
    b. Collect biological and trace evidence from the suspect's body;
    c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
    d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
    e. Document the suspect's relevant medical condition and injuries.

K. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

L. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions
2) Decisions to collect evidence
3) Submissions of evidence for lab testing
4) Interviewing decisions

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

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.

b. 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:

j. The physical condition of the child;
k.
l. 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.

c. 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.

d. 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.

e. 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.

f. 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.

2. 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.

d. 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.

e. 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.

f. 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.

g. The foregoing indicators may also be used when interviewing neighbors or any other individuals who may have personal knowledge of the family situation.

3. 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 an 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.

d. 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.

e.

f. 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 officer's 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: January 11, 2021 REVISED: January 11, 2021

SUBJECT: Eyewitness Identification Procedures

PURPOSE

To establish guidelines for eyewitness' identifications involving show-ups, photographic identifications and lineups.

344.01 POLICY

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

PURPOSE

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

344.02 DEFINITIONS

"Show-up" The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

"Photo Array" A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

"Lineup" The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

"Administrator" The law enforcement official conducting the identification procedure.

"Blinded Presentation" The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

"Confidence Statement" A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

"Filler" A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

"Sequential" Presentation of a series of photographs or individuals to a witness one at a time.

"Simultaneous" Presentation of a series of photographs or individuals to a witness all at once.

344.03 PROCEDURE

1. Show-ups

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

a. Document the witness's description of the perpetrator prior to conducting the show up.

b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.

c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.

e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness

should also be advised that the investigation will continue regardless of the outcome of the show-up.

f. Do not conduct the show-up with more than one witness present at a time.

g. Separate witnesses and do not allow communication between them before or after conducting a show-up.

h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.

i. Do not present the same suspect to the same witness more than once.

j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

l. Ask the witness to provide a confidence statement.

m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

n. Videotape the identification process using an in-car camera or other recording device when feasible.

o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

2. Basic Procedures for Conducting a Line-up or Photo Array

a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.

b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.

c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.

d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.

e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.

g. If there is more than one suspect, include only one in each line-up or photo array.

h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.

i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.

j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.

k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.

m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.

n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.

p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.

q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays

a. Creating a Photo Array

1. Use contemporary photos.
2. Do not mix color and black and white photos.
3. Use photos of the same size and basic composition.
4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
5. Do not include more than one photo of the same suspect.
6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
8. Fillers should not be reused in arrays for different suspects shown to the same witness.

b. Conducting the Photo Array

1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.
2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
    a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
    b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
    c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups
    a. Conducting the Line-up
        1. Live line-ups shall be conducted using a blind administrator.
        2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
    b. The primary investigating officer is responsible for the following:
        1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
        2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
        3. Making arrangements to have persons act as fillers.
        4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.
        5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

MILLE LACS TRIBAL POLICE DEPARTMENT OPERATINGS MANUAL

GENERAL ORDER: 345.0

EFFECTIVE DATE: July 1, 2004 REVISED DATE: DECEMBER 7, 2018

SUBJECT: IN-CAR AND BODY WORN CAMERAS

PURPOSE

This policy establishes guidelines for the operation and use of audio/video recording equipment installed in police patrol vehicles, and officer body worn cameras. This policy also establishes a retention and duplication policy for the police department video recorded evidence.

POLICY

In-vehicle and body worn 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 and body worn video/ audio equipment in accordance with Department guidelines. In-vehicle/ body camera 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 or body worn camera device 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 activation of emergency lighting, turning on the remote microphone or by depressing the "REC" button on the control panel. Officers shall activate the In-Vehicle video system and Body worn camera, which 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 are made.
- 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. Body Cameras may be momentarily deactivated during consultations with other officers, supervisors, attorneys, or confidential witnesses.

D) Officers are to utilize their wireless microphone and/or body camera 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 are responsible for uploading their body camera recordings onto the Department server at the end of the incident or at the end of their duty shift. In-Vehicle recordings are automatically downloaded when in wireless range at the PD. Outlying district officers will upload recordings as soon as feasible to do so, or by the end of their work week if recordings contain evidence. All downloaded information will be retained for a period of 365 days.

B) After a recording is no longer needed as evidence, it may be used for training or other purposes.

C) Video storage is at rest in a secure cloud-based system, external media, or on the Department servers. Data involving an Officer's use of deadly force must be maintained indefinitely in digital and hardcopy format.

D) Video evidence will be monitored and reviewed by command staff on a regular basis. No altering or erasing video data will be authorized.

III. DUPLICATION

a. Duplications of video evidence will be done by the Mille Lacs Tribal Police Department record's custodian or deputy record's custodian, maintaining a secure chain of custody. The original is to remain in the custody of the Mille Lacs Tribal Police Department at all times. Media recordings of all non-in car video and/ or body camera will be tagged into "Evidence" under the Zuercher records management system and submitted to "Records Locker". An evidence label will be printed out of the Zuercher system and affixed to the "CD" or media.

b. In-Car Video and body camera files will be maintained on a secure folder in the department's owned server, and/ or secure cloud storage for accessibility and retention.

c. Anytime a member of the prosecution or judiciary requires a copy of the recording, it will be provided at no charge.

d. 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 $10.00. The redaction video fee (if applicable) will be calculated by the amount of time involved in redacting the video file at the rate of pay of the staff member preparing the redaction. The redaction fee will be added to the $10.00.

e. In no event will any recording be provided or duplicated and distributed by an officer without the express permission of a records data custodian (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.

f. When an individual dies as a result of a use of force by a peace officer, The Department shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7;

g. When an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, except as otherwise provided in this clause and clause (e):

    i. the deceased individual's next of kin;

    ii. the legal representative of the deceased individual's next of kin; and

    iii. the other parent of the deceased individual's child.

g. Mille Lacs Band Tribal Police may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7;

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: JANUARY 11, 2021

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 or designated Confidential Buy Fund card holder.

2. Confidential funds records

    a. The Office Manager will maintain a master ledger for the Buy Fund Account, and maintain accuracy of the account with OMB.

3. Each Officer will maintain a ledger of debits and credits for Buy Funds assigned to them.

4. No more than $500 will be signed out to one officer at a time, without prior approval from the Chief of Police. The Officer may keep the funds for fourteen days to complete their investigation, and then return any unused funds to the Office Manager, to be return to the Confidential Buy Fund Account.

5. Confidential Buy Funds are held through Woodland's Bank. Card holder's are appointed by the Chief of Police and held responsible for all activity on their assigned account bank card.

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. 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 REVISED: November 13, 2025

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.

STATUTORY REFERENCES

- MN STATUTE 121A.28 – Law Enforcement Records
- MN STATUTE 260B.171 – Records
- MN STATUTE 169.448 – Other Buses
- MN STATUTE 169.4581 – Criminal Conduct on School Bus
- MN STATUTE 169A.31 – Alcohol-related School Bus or Head Start Bus Driving
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 349.0

EFFECTIVE DATE: AUGUST 15, 1999 REVISED: JANUARY 01, 2024

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."

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 Zuercher Suite.

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 Zuercher records management system. Officers will place a label, printed from the Zuercher Suite 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. Any items that contain leaking fluids will not be accepted. 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 Zuercher Suite 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.

349.04 SURRENDERED FIREARMS UNDER EXTREME RISK PROTECTION ORDERS

Firearm(s) surrendered to the Mille Lacs Band Tribal Police Department under an Extreme Risk Protection Order will be taken, processed, and held as Evidence/ Safekeeping. Any Officer may take the temporary transfer of the firearm(s) and process into evidence under a new Incident Complaint Report labeled “ERPO”. The surrendered firearms will be processed into evidence, the same as any other firearms collected as evidence.

The respondent of the court order should present a copy of the court order, ordering the surrender of firearms.

The Officer taking the possession of the surrendered firearms shall provide the respondent with a property receipt for the items surrendered and labeled “Temporary Transfer”. The Officer shall instruct the respondent to contact the Police Department once the court order expires to arrange the return of his/ her property.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 350.0

EFFECTIVE DATE: SEPTEMBER 15, 2005 REVISED: November 13, 2025

SUBJECT: PREDATORY OFFENDER COMMUNITY NOTIFICATION

PURPOSE:

It is the policy of the Mille Lacs Band Police Department to protect the public by disclosing information on predatory offenders residing on the Mille Lacs Indian Reservation. The extent of the information disclosed and to whom is at the discretion of the Mille Lacs Band Police Department unless otherwise noted. However, it is related to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members to enhance their individual and collective safety.

350.01 DEFINITIONS

Immediate Household**:** has the meaning given to it in MN Statute 244.052, subdivision 1(2).
Likely to Encounter: has the same meaning given to it in MN Statute 244.052, subdivision 4(c).

Predatory Offender or Offender: means a person who is required to register as a predatory offender under MN Statute 243.166.

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).

Primary Address: has the meaning given to it in MN Statute 243.166, subdivision 1a(k).

Offender Risk Level: means the risk assessment score a predatory offender is assigned by the end-of-confinement review committee which indicates the presence of identified predictive risk factors that may contribute to re-offending in a same or similar fashion. The three risk levels a predatory offender can be assigned are:

Level 1
Level 2
Level 3

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, with the exception of designated healthcare facilities (MN Statute 243.166, subdivision 4(b)).

Registrant: means the predatory offender or offender subject to registration.

Risk Assessment Scale: means the scale the Commissioner of Corrections uses to assign weights to the various risk factors listed in MN Statute 244.052, subdivision 3(g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned.

350.02 PROCEDURE

REGISTRATION

When an individual arrives to register with this agency, officers should ask what state the offense was committed in and if the individual has previously registered elsewhere. *Officers* shall verify that the individual is at the correct location to complete their registration - meaning that the registrant's primary address, work address, or school address are within this agency's jurisdiction. *Officers* can review the list of registrable offenses on the BCA's website or by referring to MN Statute 243.166, subdivision 1b. In some cases, this agency may have received prior notice from the commissioner of corrections that a predatory offender would be coming to the agency to complete their registration.

If the individual is required to register, contact the BCA POR UNIT or login to the POR LE/ES portal to determine whether the individual has already registered and submitted a DNA sample. If the individual is already registered, complete a *Change of Information Form*. If the individual is not registered, complete a *Predatory Offender Registration Form*. If the individual is from or registered with another state, contact the state the individual is registered in and request a copy of the offender's original registration form, criminal complaint, and sentencing documents. All documents and photos can be downloaded and/or submitted via the BCA's MN Predatory Offender Registry Electronic Submissions (POR ES) portal.

Link: https://dps.mn.gov/divisions/bca/bca-divisions/investigative-services/specialized-investigative-services/predatory-crimes/predatory-crimes-law-enforcement/por- information-law-enforcement

The Mille Lacs Tribal Police Department strongly encourages its *officers* to verify the addresses of registrants living in this jurisdiction. MN Statute 243.166 requires predatory offenders to register a new primary address at least 5 days before the person starts living at a new location. The statute also requires registrants to provide written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction over the person's primary address that the person is no longer living or staying at an address, immediately after the person is no longer staying there. Statute requires the predatory offender to submit these written notices in person. Homeless registrants within this agency's jurisdiction, or any agency's jurisdiction, are required to check in/register with law enforcement on a weekly basis. If an *officer* finds that a registrant is not living at their registered primary address, contact the BCA POR UNIT or login to the POR ES portal to determine whether a *Change of Information Form* was submitted. If it was not, the registrant may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA POR UNIT to request a prosecution packet. Submit the packet to the county attorney's office to file formal charges. Prior to submitting any formal charging paperwork, *officers* shall verify that the

registrant is no longer residing at his/her last address. If possible, *officers* should collect evidence of the registration violation in the form of a formal statement from friends, co-workers, neighbors, caretakers, etc. of the registrant.
For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration via the link above for detailed information, or contact the Predatory Offender Unit (BCA POR UNIT) by calling (651) 793-7070 or 1-888-234-1248.

COMMUNITY NOTIFICATION

Law enforcement agencies receive information from the BCA and DOC regarding the assigned risk level of predatory 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 a registrant is placed or resides in one of the DOC licensed residential facilities (halfway houses) such as those operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release (contact the DOC RA/CN unit for a current list of designated halfway houses). If a predatory offender or registrant leaves a DOC licensed facility, *officers* shall not disclose any information until the law enforcement agency is notified the registrant will move to a residential location within the agency's jurisdiction. If public notice (level 2 or 3) is required on an unhoused registrant, that notice should include as much specificity as possible, for example, "in the vicinity of *(location, landmark, intersection)*."

Level 1 Notification. This agency and its *officers* may disclose the information it maintains on level 1 predatory offenders to other law enforcement agencies. The agency may disclose registrant information received from the DOC to any victims of or witnesses to the offense committed by the registrant. This agency and its *officers* shall disclose registrant information to the victims of the offense committed by the registrant who have made a disclosure request for enhanced notification as well as the adult members of the registrant's immediate household. For more information regarding level 1 offender notification, refer to MN Statute 244.052, subdivision 4(b) (1).

See Appendix A: Confidential Fact Sheet - For Law Enforcement Agency Use Only

Level 2 Notification. This agency and its *officers* may make the same disclosures for a level 2 predatory offender as a level 1. Registrant information may also be disclosed to agencies and groups that the registrant is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies/groups include the staff members of public and private education institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the registrant. *Officers* shall make notification determinations based on the registrant's pattern of offending or victim preferences as documented in the information provided by the DOC or DHS. Level 2 predatory offender information may also be provided to property assessors, property inspectors, code enforcement officials, and child protection officials who are likely to visit the registrant's home while carrying out their work duties. For more information regarding level 2 predatory offender public notifications, refer to MN Statute 244.052, subdivision 4(b)(2).

Level 3 Notification. This agency shall disclose level 3 predatory offender information to the individuals and organizations that are eligible for disclosure for level 1 and 2 registrants. This agency shall also disclose level 3 registrant information to members of the community whom the registrant is likely to encounter, unless this agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim. For more information regarding level 3 registrant public notification, refer to MN Statute 244.052, subdivision 4(b)(3).
The agency must make a good faith effort to complete the disclosure on a level 3 predatory offender within 14 days of receiving documents/notice from the DOC. The process of notification will be determined by this agency.

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 date of conviction; the risk level assigned to the offender, if any; and the profile of likely victims.

VICTIM NOTIFICATION

This agency shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and augment their safety planning efforts. The victim is not required to live within this agency's jurisdiction to receive notification. The DOC will provide victim contact information to the law enforcement agency when there is a victim/witness who has requested enhanced notification. Law enforcement personnel may directly contact the victim/witness. Community based victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC RA/CN and Victim Services staff.

OUT OF STATE PREDATORY OFFENDERS AND OFFENDERS RELEASED FROM FEDERAL FACILITES SUBJECT TO NOTIFICATION

If an *officer* with this 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, or *officer*, must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this agency 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 this agency may be made consistent with that of a level 2 registrant.

If an *officer* or other member of this agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review by the DOC. This agency shall provide the DOC any necessary documents required for assessing the predatory offender and assigning a risk level.
Note:

- Neither this agency nor its *officers* shall disclose the identity or any identifying

characteristics of the victims of or witness to a predatory offender's offense(s).

- A registrant who is the subject of a community notification meeting may not attend the meeting.
- This agency shall disclose information on a registrant as required by statute for as long as the offender is required to register under MN Statute 243.166.
- When a registrant for whom notification was made no longer resides, is employed, or is regularly found in this agency's jurisdiction, the agency shall inform the entities and individual initially informed of the registrant's status.

For questions regarding community notification or the risk level assigned, 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 is also available to assist agencies with conducting public notification meetings when a registrant who is subject to notification moves into a law enforcement jurisdiction.

STATUTORY REFERENCES

- MN STATUTE 243.166 – Registration of Predatory Offenders
- MN STATUTE 243.167 – Registration Under Predatory Offender Registration Law for Other Offenses
- MN STATUTE 244.10 – Sentencing Hearing; Deviation from Guidelines
- MN STATUTE 244.052 – Predatory Offenders; Notice
- MN STATUTE 244.053 – Notice of Release of Certain Offenders
- MN STATUTE 253D.32 – Scope of Community Notification
- MN STATUTE CHAPTER 13 – Government Data Practices
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Revision approved by the POST Board on July 24, 2025.

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:

- On a state highway
- At speeds greater than what is considered reasonable and Prudent under existing weather, road and traffic conditions.
- Faster than the posted speed limit
- In situations where the officer is an active participant in the Pursuit of a motor vehicle in violation of MN Statutes Section 609.487
- 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: AUGUST 21, 2025

SUBJECT: S.W.A.T. TEAM (Strategic Weapons And Tactics)

PURPOSE: The safety and preservation of human life will be the Mille Lacs Band Police Department SWAT Team's primary objective. The SWAT 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. SWAT 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 SWAT 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 SWAT 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.

352.02 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 SWAT policy and procedures
    3. Responsible for the implementation of mutual aid/cooperative agreements for the use of SWAT in other jurisdictions.
    4. Has the lone discretion to disband the SWAT 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. SWAT Commander

    1. Will have direct command of all SWAT 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 SWAT Team.
    3. Coordinate the use of the SWAT Team with the on-call supervisor, negotiators, and other support groups (medical, fire, etc.).

4. Assist and assign training of the SWAT Team by coordinating through department heads.
5. Maintenance of SWAT Team operations records through normal reporting procedures.

d. SWAT 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 SWAT Team personnel under his/her authority.

e. SWAT Team members

1. Follow, have knowledge of, and adhere to the SWAT Team 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. SWAT Team 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. SWAT 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 SWAT 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 SWAT Team. When it is determined the situation could deteriorate the Team should be called out. (Refer to 352.02).

3. All requests for SWAT Team 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 SWAT 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 SWAT 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 SWAT Team.

c. Duties of SWAT Team 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 SWAT 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 SWAT 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 SWAT 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 SWAT 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 SWAT Team, 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 SWAT 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 SWAT 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 SWAT Team.

Standards and testing will be determined by the Chief of Police and SWAT Commander. The testing will be job specific and performed in gear normally worn by SWAT Team members.

352A.01 SEARCH WARRANT THREAT ASSESSMENT, CONSULTATION, TIER LEVEL SWAT DEPLOYMENT

PURPOSE
The purpose of this standard operating procedure is to establish procedures on when and how to utilize the Mille Lacs Band Police Department SWAT Team during search warrant executions, which include a Threat Assessment, Consultation, and SWAT Deployment Tier level.
The SWAT Team is specifically trained to conduct low to high risk search warrant services and is equipped to resolve critical incident situations in the event the warrant service deteriorates, regardless of the initial threat assessment.

DEFINITIONS
Threat Assessment- A form with a list of criteria to systematically evaluate the potential need for SWAT service based on the threats of a planned operation or high-risk crisis.

The Threat Assessment assists in determining the appropriate tactical response, resource allocation, and operational planning needed in a given situation or environment.

Consultation- The process of formally discussing the Threat Assessment to identify other potential threats, evaluating their seriousness, and prioritizing responses to ensure the safety of officers and the public.

Tier 2- Low to Moderate Risk Service, SWAT personnel shall wear standard MLTPD "uniform of the day" augmented with additional body armor, helmet, equipment etc. at the operator's discretion.

Tier 3- High to Highest Risk Service, SWAT personnel shall wear MLTPD SWAT uniform, body armor, helmet, equipment etc., including the use of armored personnel conveyance devices.

DUTIES AND RESPONSIBILITIES

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 assigned Team Commander. The SWAT Team will train as a unit and be called upon to respond to all search warrant executions involving a structure with the propensity of the structure to contain person(s).

Chief of Police

- Responsible for approving the implementation of the Team in other jurisdictions.
- Overseeing the SWAT Team or assigning an acting Team Commander during the specific operation in the absence of the Team Commander.

SWAT Commander

- Responsible for determining if the service is a Tier 2 or Tier 3 Team response through the SWAT Threat Assessment and consultation.
- Responsible for reporting to the Chief of Police during SWAT Team Call-out situations and approval for outside agency requests.
- Responsible for initial consultation with law enforcement personnel of SWAT Threat Assessment if Team Leader is unavailable.

SWAT Team Leader

- Responsible for initial consultation with law enforcement personnel of SWAT Threat Assessment and report to the Team Commander.

PROCEDURES

- Mille Lacs Tribal Police Department Officers have the authority to complete the SWAT Threat Assessment for consultation with the Team Leader or designee.
- Within the Mille Lacs Band Jurisdiction, the SWAT Team will be used in all situations where a search warrant is obtained on a structure for person(s) or has the probability of containing person(s).
- Outside agency requests for assistance with a search warrant execution on a dwelling for person(s) or has a high probability of containing person(s) will be considered on a case specific basis.
- Outside agency requests that are determined to utilize the SWAT Team, SWAT Supervisors will complete the SWAT Threat Assessment and the Team Commander will determine the Tier Level of the service.
- Outside agency requests must be approved by the Chief of Police.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 353.0

EFFECTIVE DATE: SEPTEMBER 21, 2005 REVISED: November 13, 2025

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 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.

353.02 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.

DUTY TO REPORT

[*Officers*] shall promptly report any suspected or known instances of bias-based policing to a supervisor. Agency personnel should, when reasonable to do so, intervene to prevent any biased-based actions by another [*officer*]. If a supervisor receives a report of biased-based policing, the supervisor shall inform the CLEO as soon as practical so the agency may, if warranted, initiate an internal investigation into the alleged conduct.

VIOLATIONS

Sustained violations of this policy will result in remedial training and/or disciplinary action up to termination. Confirmed violations of this policy must be reported to the POST Board in accordance with the reporting requirements in MN Statute 626.8457.

TRAINING

All agency personnel must review this policy annually.

STATUTORY REFERENCES

- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.8471 – Avoiding Racial Profiling; Policies and Learning Objectives Required
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Revision approved by the POST Board on October 23, 2025

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 354.0

EFFECTIVE DATE: MARCH 10, 2002 REVISED: January 01, 2022

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

10. Will consist of the Chief of Police, Deputy Chief of Police, and Patrol Sergeants.
11. Will monitor the FTO program.
12. Will be responsible for the constant evaluation of FTO's.
13. Will recommend retention or removal of FTO's from the program.
14. Will be responsible for the continuing evaluation of recruit officers to determine the need for extension, early release or termination.
15. All records kept by the FTO will be provided for use by the committee.
16. The Chief of Police has the final decision in all extensions and releases from training.

C. Responsibilities of the Patrol Sergeant

1. The Patrol 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, Patrol Sergeant, Investigator, or Deputy Chief of Police.
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 polices 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 Patrol 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 1.5 hours of Overtime Compensation per 10 hour Shift, 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 560 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 recruit will then complete a two week term of solo patrol, supervised by an FTO.
3. 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.
4. 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.
5. 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.
6. 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 Patrol Sergeant will have primary responsibility for insuring an appropriate correction program is developed and utilized and approved through the Chief of Police.
7. Release from training at the end of the 14 weeks will be approved by the Chief of Police.
8. Early release from a training officer may be granted by the Chief of Police. Only a recruit of very exceptional quality and experience will be considered.
9. 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 will 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.
10. 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 Department
Data Practices

SECTION 356 Effective – April 1, 2009

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 of 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 causalities 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 Zuercher 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:

   - 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.

   - 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. 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.

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.

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.

The department will charge a $10.00 fee to copy a squad car digital video to a compact disk. The redaction video fee (if applicable) will be calculated by the amount of time involved in redacting the video file at the rate of pay of the staff member preparing the redaction. The redaction fee will be added to the $10.00.

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.

i. Records Retention Schedule

a. The Mille Band Tribal Police Department adheres to state and local requirements for retention of police records.
b. All data collected, created or received by the Department shall be maintained in accordance with the Department's retention schedule.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 357.0

EFFECTIVE DATE: JANUARY 11, 2017

SUBJECT: TRIBAL POLICE DEPARTMENT COMMUNICATIONS CENTER

PURPOSE:

The Tribal Police Department Communications Center (TPDCC) is the communications link between the Police Department and the public it serves. TPDCC coordinates the deployment of officers and department vehicles and is a source of information and assistance to officers in the field. TPDCC has the authority and responsibility to disseminate calls in a fashion that facilitates rapid delivery of service to the public. Prompt response to calls from the public is an objective of the Police Department.

357.01 INITIAL RESPONSE POLICY

It is the policy of the Mille Lacs Band Tribal Police Department to respond to all calls for service within a minimum amount of time. To achieve this objective, the Police Department has provided the TPDCC with guidelines regarding time frames within which affirmative dispatching action is to be taken.

The general rule is to get an officer responding at the earliest possible moment. This rule means that if a nature code calls for it or common sense dictates it, the role of the dispatcher at TPDCC is to assign the call within the Priority Guidelines to at least one "Able" officer and then immediately do whatever is necessary to obtain the required additional officers to respond to the call. This includes pulling officers from other Districts, using supervisors, or calling on neighboring agencies to obtain the required second, third or additional squads. A dispatcher is not to "hold" a call that the Priority Guidelines say should be dispatched solely because of the unavailability of a second officer or second squad.

This policy places the responsibility for safe approach to a call entirely within the hands of the responding officer(s). Officers are required to make an assessment of the situation from a safe distance and then advise the dispatcher of the need for or lack of assistance.

357.02 PRIORITY CALL CODE NUMBERS AND PROCEDURES

Call code numbers are used by dispatchers and officers to indicate the seriousness of an incident and the procedures for response. The responsibility for determining the appropriate call code number rests with the responding officer based upon information communicated from the TPDCC or other personnel.

a) CODE ONE: Indicates that an officer cannot be located or does not answer the radio.

b) CODE TWO: A call to be answered or situation to be handled immediately. The red lights and siren shall not be used and all traffic laws will be obeyed.

c) CODE THREE: EMERGENCY SITUATION - To be answered immediately, but in a manner enabling the responding units to reach the scene as quickly and safely as possible. MS 169.03 and 169.17 require the use of red lights and siren for emergency driving. (During an officer status check, officers may alert to a status of CODE: RED or CODE: 3, which means the on scene officer(s) need additional and immediate assistance)

d) CODE FOUR: Situation is under control. Responding squads that have not arrived may clear.

In order to establish common working definitions regarding the urgency of any situation and to facilitate the most efficient delivery of service to the public, the Police Department has provided the TPDCC with guidelines regarding time frames for dispatching calls. Police calls are identified by a nature code and each nature code is assigned to one of five possible priority categories. TPDCC call classification priorities are not the same as call code numbers.

i. PRIORITY 1 - Calls classified as Priority 1 include those situations where a known crisis exists that threatens the life of an individual. This is the highest possible priority and the fastest possible response is desired. The TPDCC objective is to have squads en route to the call within seconds of receipt by the dispatcher.

ii. PRIORITY 2 - Calls classified as Priority 2 include situations where an imminent threat to personal safety, or the loss or damage to property exists. Conditions at the scene of the call are unstable. The TPDCC objective is to have a squad en route to a priority 2 event within two (2) minutes of receipt by the dispatcher.

iii. PRIORITY 3 - Calls classified as Priority 3 include situations where no immediate threat of harm exists at the scene of the call. A timely police response is still desirable. The TPDCC objective is to have priority 3 calls assigned at the earliest opportunity or within twenty (20) minutes of receipt by the dispatcher. If after thirty (30) minutes the call remains in TPDCC due to a lack of recommended unit availability, the dispatcher may notify the affected supervisor to review the pending priority 3 calls and recommend a course of action.

iv. PRIORITY 4 - Calls classified as Priority 4 include situations where conditions are stable at the scene of the call. TPDCC may hold priority 4 calls for the squad in whose district the call is occurring for up to one (1) hour. After one (1) hour, the situation should be reassessed by TPDCC and the supervisor, if necessary, to determine if the call should be reassigned to a squad outside of the district in which the call is occurring.

v. PRIORITY 10 - Calls classified as Priority 10 include administrative or service assignments. Squads on a service assignment may be reassigned to an event with a higher priority.

357.03 RADIO PREFIXES, OFFICER DESIGNATION

TPDCC radio prefix will remain “TRIBAL” at all times.

When beginning a radio transmission, officers shall begin the transmission with their appropriate radio prefix “Badge Number in full” then to the designated recipient.

During radio transmissions, Dispatchers will use appropriate prefixes with TPD Officers and outside agencies.

357.04 ASSIGNED CALLS

The dispatcher shall have the authority to assign calls to all available Tribal Police sworn personnel, including superior officers. Officers shall not argue with the dispatcher or refuse to take a call.

Situations may arise that require an officer to decide whether to continue on an assigned call or handle a citizen's complaint, an observed event, or a higher priority call and cause the original call to be reassigned. Such determination should be based upon the comparative urgency and the risk to life and property of the assigned call and the intervening incident. When an officer is unable to respond to an assigned call for any reason, the officer shall promptly notify the TPDCC dispatcher and provide the reason for the change in status.

When it is not possible for officers to handle a citizen's complaint or an observed event, they should, if circumstances permit, give directions for obtaining such assistance or initiate the necessary notifications themselves. When handling a call and subsequently receiving a higher priority call, officers shall advise the person of the reason for leaving and of the squad's intention of returning after the call.

Officers shall not pass on to the succeeding shift any assigned calls without the permission of the superior officer on duty. TPDCC is expected to and will dispatch calls up to the end of the shift.

357.05 ACKNOWLEDGING CALLS

All officers’ assigned calls by the TPDCC will immediately acknowledge receipt of the call via voice radio, as well as by pressing the "En route" key on the MDT/MDC. Any time a squad is responding to an event, the officers shall notify the dispatcher. In the event an officer is dispatched from the Tribal Police Headquarters, the officer(s) will acknowledge the call with the dispatcher in person and then press the "En route" key on the MDT/MDC, while en route to the CFS (Call for Service).

Officers shall announce their arrival at the scene by:

1. Depressing the "Arrive" status key on their MDT/MDC; and
2. Using the voice radio indicating their call number followed by the word "arrived."

Officers must clear from all calls or other assignments as soon as the call or assignment is complete. The methods described above shall also be used to clear from a call except that a disposition code shall also be provided when clearing on the MDT/MDC.

All aired status changes should be accomplished on a single radio transmission (5560 is clear).

357.06 RADIO CONTACT

Officers working in the field (including when at lunch or any other break) are required to be in radio contact at all times. Officers handling an assigned call shall remain available for emergency or higher priority calls by maintaining radio communication via a portable radio.

357.07 BROADCASTING DESCRIPTIONS

The first officers to arrive at a crime scene or other incident that warrants the broadcasting of descriptive information shall conduct a brief interview with victims and/or witnesses. If sufficient information is obtained to justify a broadcast, and radio traffic permits, it shall be transmitted in the following manner:

A) The officer will notify the dispatcher that a description is available. The officer will also inform the dispatcher of the extent of dissemination of the broadcast (e.g. involved channel, countywide, regional broadcast, teletype, etc.) and will indicate arrest authority (probable cause, attempt to locate, etc.).

B) The officer will broadcast the description in the following sequence:

i. Type of crime
ii. Time of occurrence
iii. Location of occurrence
iv. Number of suspects
v. Description of suspects
vi. Weapons involved
vii. Direction and method of flight
viii. Description of vehicle, if applicable
ix. Description of loss, if applicable

TPDCC will then send informational KOPS alert to the region if requested.

357.08 REQUEST FOR BACK-UP

Additional squads will be dispatched when requested by an officer or when department policy dictates a back-up be sent automatically for an officer responding to certain types of incidents.

Officers requesting a back-up shall give their badge number, location and code priority. If the requesting officer or the on-scene superior officer determines that back-up squads are not needed, the back-up squad should be canceled, and TPDCC will confirm via radio.

357.09 EMERGENCY OR "OFFICER NEEDS HELP" PROCEDURE

When an emergency situation arises, officers shall notify the dispatcher by doing the following:

1. Stating "CODE RED", “EMERGENCY" or "Officer needs help."
2. Give the location of the officer needing help.
3. If time permits, give the reason for the emergency.

Whenever an emergency or "officer needs help" is announced, all other officers shall immediately clear the airway and keep the frequency clear until the dispatcher acknowledges the call. Responding vehicles should wait to give their numbers until it is obvious that the officer calling the emergency is finished giving information. When responding vehicles do give their numbers, they should be brief and then remain off the air until they arrive at the scene. Once aired, the emergency commands the channel until the dispatcher announces a Code 4 and normal radio traffic is resumed.

357.10 UNNECESSARY USE OF RADIO, MOBILE DATA TERMINAL (MDT) OR MOBILE DATA COMPUTER

The police radio, MDT or MDC is for police business only. It is not to be used to conduct personal business or to transmit personal messages.

Squads will begin all radio communication using their assigned call numbers and radio prefix. Information checks shall be requested only on the channel designated for such purposes. In most instances, “MI-7” or “TPD LAW-1” will be the designated channel. When requesting information, officers should try to include the nature of service in the initial transmission ("5560 WARRANT CHECK BY NAME," wait for acknowledgment; then "5560-TRIBAL LAST NAME Doe, FIRST NAME John, MIDDLE Finch, DATE OF BIRTH Year/Month/Day"). If TPDCC Dispatch has difficulty with the spelling, then the dispatcher will request the spelling for the specific name. (TRIBAL to 5560, spelling on Middle name)(5560 TRIBAL, Frank-Ida-Nora-Charles-Henry) TPDCC will then acknowledge.

357.11 AUDIT OF RADIO, MOBILE DATA TERMINAL OR MOBILE DATA COMPUTER (MDC) COMMUNICATION

MDT/MDC messages are public information and are subject to public disclosure. Any communication that may be considered "discriminatory, derogatory, biased, or inappropriate due to use of prohibited words" shall not be permitted on the radio or MDT/MDC at any time. Inappropriate language or remarks shall be immediately reported to a supervisor.

NOTE: As per the Mille Lacs Tribal Police Department policy, remarks in regard to race, color, creed, age, religion, ancestry, national origin, sex, affectional preference, disability, marital status, familial status, status with regard to public assistance, Vietnam era veteran status are prohibited.

Supervisors or their designee shall be responsible for reviewing messages for inappropriate content, i.e. language or remarks. Employees or Officers who are found to have transmitted inappropriate messages shall be subject to disciplinary action.

TPDCC is responsible for retrieving event driven reports when requested by an investigator or TPD supervisor.

357.12 COMMUNICATIONS RECORD KEEPING/ LOGS

a. All electronic communications, (telephone calls, radio transmissions, TPD traffic, computer networks, etc.) that are conducted using the facilities of the Mille Lacs Band are subject to being recorded. Dissemination of communications records shall be conducted in accordance with the Minnesota Government Data Practices Act.

b. All activities received and assigned will be documented by the TPDCC dispatcher via Dispatch Log. {Officers assigned to CFS, arrival times, cleared times, requests for ambulance or other emergency services will be documented by date and time including incident complaint number.}

357.13 CELLULAR PHONE USE IN TPDCC

A. TPDCC General Use of Cellular Phones

1. Cell phones are not intended to supplement to the TPD's communication system, or substitute for radio communication designated for transmission through TPDCC. Calls for service shall be received, coordinated and dispatched through TPDCC radio system and not via an employee's personal or department issued cell phone.

2. A cell phone shall not be used when it would unnecessarily or unreasonably divert the attention of an employee from official duties or cause a potentially hazardous situation.

3. Engagement in multiple or extended cell phone conversations, text messaging or other use of cell phone devices unrelated to police business while on duty or similar use that interferes with the performance of an employee's job duties is prohibited.

4. Images or recordings captured on an employee's personal or department issued cell phone during the course of an employee's job duties are considered to be department data and may only be distributed in accordance with department policy.

357.14 COMMAND STAFF NOTIFICATION PROTOCOL

Whenever a significant event happens, the initial on-scene officer, or his/her designee, shall make notifications to their supervisor. Notifications shall be made as quickly as possible once the scene is secured and life-saving measures have been rendered. Significant events/incidents include, but are not limited to, critical incidents, homicides, officer-involved shootings, in-custody deaths, natural or manmade disasters, acts of terrorism, or any other event that should be brought to the command staff's immediate attention. The following personnel shall be notified of such events: Sergeants, Investigators, Deputy Chief, and Chief.

If directed by an on-scene senior officer, the TPDCC dispatcher will notify the rotation shift Sergeant of the following:

i. Date, time and location of the incident

ii. A brief assessment of the event

iii. A listing of other units or command staff contacted for assistance

iv. Requests for other resources as deemed necessary

v. Name of contact person and his/her phone number

vi. A logical narrative of the sequence of events

The shift Sergeant will then contact Investigations, and Deputy Chief, unless a request is made for TPDCC to notify dependent on the circumstances.

357.15 KOPS (KEEPING OUR POLICE SAFE)

The Minnesota Department of Public Safety's "alert file" called KOPS (Keeping Our Police Safe) enhances officer safety by alerting officers of unsafe situations when encountering a vehicle or person involved in a recent incident by disseminating safety information statewide.

The standard CJIS (Criminal Justice Information System) queries that check person or vehicle files also hits on KOPS alerts, immediately warning officers of potentially dangerous situations. Officers should respond to the KOPS alerts in the same manner as any other CJIS hit and the message will be accompanied by the caveat "For officer safety purpose only, this is not a warrant."

TPDCC will disseminate all regional KOPS Alerts via MDT to all Police Department Officers through Zuercher Mobile. TPDCC on-duty dispatcher will also attach regional KOPS Alerts to the Zuercher Suite Bulletin with a minimum of seventy-two (72) hours before expiration.

357.16 CONFIRMING MILLE LACS COUNTY DISPATCH FOR PRIORITY CALLS

TPDCC will be responsible for making acknowledgments to Mille Lacs County Dispatch or Mille Lacs County Deputies in the event a priority call is aired via MI-LAW 1 radio channel. TPDCC Dispatcher will change from MI-7 TRIBAL 1 to MI LAW-1 and confirm that the description of the call and location has been acknowledged. TPDCC Dispatch will confirm the call with TPD on-duty officers and dispatch officers to the scene.

357.17 INCIDENT COMPLAINT REPORTS

TPDCC Dispatcher will be responsible for creating, assigning, and attaching persons related to a specific CFS. TPDCC Dispatchers will add CAD (Computer Aided Dispatch) comments to the CAD system when on scene officers relay information related to the incident.

357.16 VEHICLE PURSUITS

During an officer involved motor vehicle pursuit, TPDCC will prioritize the TPD main channel as “Emergency Traffic Only”. The primary officer, or secondary officer who is giving radio

communication to TPDCC, will be given priority radio traffic. Other responding officers will reserve the radio unless encountering a separate Emergency.

During a pursuit, TPDCC will repeat the radio traffic given to confirm the information received was correct. TPDCC may also have to make contact with outside agencies in the event the vehicle pursuit is traveling outside Mille Lacs Tribal Police Department jurisdiction. TPDCC will maintain radio traffic with officer(s) involved in the pursuit at all times, and record the transmissions in the CAD comments of the generated Incident Complaint Report.

357.16 RADIO CHECK/ OFFICER STATUS CALLS

TPDCC Dispatch will perform officer status checks every two (2) minutes, once the primary officer arrives on scene, or upon the initiation of a traffic stop. The officer will respond as "CODE 4" if he/ she is safe. If any officer responds as "CODE RED/ CODE 3" then the situation is not under control, and the officer is in need of assistance or help. TPDCC dispatch will direct additional officers or call for outside agency assistance to assist the officer.
Once the officer's status is "CODE 4" and requests no further checks, then TPDCC will no longer be required to check the status of the on-scene officer for the remaining duration of the CFS.

357.17 TPDCC DISPATCH PHONE ANSWERING PROTOCOL

VOICE QUALITY
You should speak slowly and clearly on the telephone and with adequate volume. Your voice should project authority and knowledge backed up by a certainty of what you are telling the caller. Use plain everyday language with the public- never use Ten Codes, legal terms or law enforcement jargon.

TELEPHONE GREETING
Promptly answer all incoming calls "Mille Lacs Tribal Police". If you are busy on the radio or with another call, ask the caller, "Do you have an emergency?" If they state no, ask them to hold. If they state yes, then ask what the emergency is and handle it if necessary.

ETIQUETTE
When dealing with all callers, you are required to maintain a polite and friendly tone. You should always maintain a business-like attitude when taking calls, even if the situation seems humorous or funny. You should sound sympathetic and never make light of a callers situation.
You must not make remarks critical of any race, class or group of people. Mille Lacs Tribal Police provides service to anyone who has proper need, without regard to other factors.
If you determine you cannot provide a service to a caller, explain to them why you cannot. Tell them the department's policy on the subject or that the nature of the incident is handled by another agency, etc. Never simply tell a caller "We can't do that." Tell them why we cannot do it.

CONTROL OF CONVERSATION
It is important that you maintain control of all telephone conversations, so as to obtain all the necessary information in the least amount of time. Talkative or insistent callers are difficult to question so try to speak slowly, asking short, specific questions, such as their name, address, telephone number, location, etc. Speak using open ended questions so the caller feels they have to answer the questions. Always direct the caller with the {who, what, when, where, and how.} *At a minimum gain the caller's address, full name, date of birth, and call back number.

CHRONIC CALLERS

Chronic callers may have legitimate requests of the police. You must question them each time to determine the situation before you dispose of the call.

CALLS FROM JUVENILES/ELDERLY

You should be particularly sensitive to calls from children and the elderly. They may initially seem confused as to why they are calling and may not express themselves completely. Never assume they are merely pranksters or senile. You must ask specific questions to find out why they are calling the police department. When speaking to members of these groups try to use first names for reassurance.

INCOMPLETE TELEPHONE CALLS

On occasion a caller will hang up, be disconnected or simply drop the phone before giving you all the information you need. This could be due to a medical problem, panic or accident. Never assume that incomplete calls are pranks or persons reaching the wrong number. If you determine there is a possible emergency, try to call the number back, or if a location was given dispatch Officers to the vicinity until you can determine the situation.

MONITORING THE RADIO

While taking telephone calls, the dispatcher should also be monitoring the radio. You should be alert to Officers calling in information requests or questions.

POSITIVE RESPONSE

It is important that the caller not misunderstand the department's response to a call. If you intend to dispatch Officers tell the caller, "We'll be right there" or something similar. If the situation does not require police, fire, or ambulance (e.g., sewer or plumbing problem), tell them it is not something we handle and refer them to another Band department that does or advise them to call a private company for that issue.

If you are not dispatching anyone, tell the caller why not and what they should do.

CONFIDENTIALITY

Always remember that most information passing through the dispatch center is confidential. You may have friends or family calling about a medical matter, vehicle accident or asking for information on persons, and they must be referred to the agency handling the matter. You will also get calls from newspapers or TV stations about a situation, and unless we have a press release from the agency, your response should be "We have nothing to report." They may ask for a supervisor to speak with and you can direct them to the appropriate agency.

357.18 INFORMATION DURING AN EMERGENCY CALL/ SITUATION

When a priority CFS is received by a TPDCC Dispatcher, the priority is to get officers on scene as quickly as possible. TPDCC dispatchers shall determine the address or location of the incident and the type of incident that has happened or is on-going. During this time, dispatch may break from the phone conversation to dispatch officer(s) to the scene of the crime. Once officers are en route to the call, additional information must be sought including;

- Person(s) involved
- Weapon(s), e.g., what kind, if used, how used, and by whom

- Medical services needed – What type of injury and patient information. *The request for medical service shall be made immediately through MI LAW-1 (MLC Dispatch)
- Reporting party's full name, date of birth, and call back number

Once information is gained, information as to weapons used and involved person(s) shall be communicated to the responding officers as soon as possible.
TPDCC Dispatchers will continue with creating the CFS, updating Dispatch Logs, adding comments to the CFS, and documenting EMS requests to Mille Lacs County Dispatch.

357.19 ATTENTION TO DUTY

TPDCC Dispatchers will be attentive to their duties at all times. Dispatchers will be punctual for duty at the start of their assigned shift. If relief is needed, then the dispatcher will make prior arrangements and have a relief individual take a temporary position in TPDCC until the on-duty dispatcher returns. At NO time will the dispatch console be unattended. Sleeping, laying down, or other inattentive actions will not be permitted by on-duty dispatch operators.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 358.0

EFFECTIVE DATE: January 1, 2019 REVISED: NOVEMBER 12, 2025

SUBJECT: POSSESSION OF PROPERTY SEIZED FOR ADMINISTRATIVE FORFEITURE

PURPOSE:

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 to be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include but not limited to 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, cryptocurrency, gift cards/certificates or other negotiable financial instruments of foreign coin or currency.

Conveyance Device: a device used for transportation and includes but is 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: The term "precious metals/precious stones" includes 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 and 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.

358.01 SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The following property may be seized and is presumed under MN STAT 609.5314 to be subject to administrative forfeiture if the item has a retail value of $50,000.00 or less:

Property subject to Administrative Forfeiture:

(1) all money totaling $1,500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense;

(2) all money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance;

(3) all conveyance devices containing controlled substances with a retail value of $100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale; and

(4) all firearms, ammunition, and firearm accessories found:

(i) in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;

(ii) on or in proximity to a person from whom a felony amount of controlled substance is seized; or

(iii) 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 chapter 152.

- controlled substances; Not withstanding MSS 609.5316
- forfeitable drug manufacturing or distributing equipment or devices; or forfeitable records of manufacture or distribution of controlled substances.

Situations in which forfeiture should not be pursued:

- Seizure of property not listed above must be processed, reviewed and approved by the unit supervisor.

358.02 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, location, and the date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under MN STAT 609.5314 if the retail value of the asset exceeds $50,000.00.
- A receipt for the item(s) seized.

The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under MN 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 Page 3 of 4 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.

358.02

II. CASH

Peace officers shall not seize cash having an aggregate value less than $100 USD, 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 travelers 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.

III. 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.

IIII. CONVEYANCE DEVICES

Peace officers shall not seize conveyance devices having an aggregate value less than $1,500 USD

Upon seizure for forfeiture, all conveyance devices shall immediately be either 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.

IIV. FIREARMS/AMMUNITION/FIREARM ACCESSIORIES

When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per agency policy/procedure.

358.03 CASE FILE STATUS

The Forfeiture/Seized Property Reviewer shall forward all changes to forfeiture status to the supervisor who initiated the case.

358.04 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.

TRAINING

Training will be provided by the agency in consultation with the prosecuting authority to personnel who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training will be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative changes, and/or court decisions. Training may include, but is not limited to, agency policy, directives, and electronic or traditional classroom education.

STATUTORY REFERENCES

- MN STATUTE 152.01 – Definitions
- MN STATUTE 609.02 – Definitions
- MN STATUTE 609.531 – Forfeitures
- MN STATUTE 609.5311 – Forfeiture of Property Associated with Designated Offenses
- MN STATUTE 609.5312 – Forfeiture of Property Associated with Controlled Substances
- MN STATUTE 609.5313 – Forfeiture by Judicial Action; Procedure
- MN STATUTE 609.5314 – Administrative Forfeiture of Certain Property Seized in Connection with a Controlled Substance Seizure
- MN STATUTE 609.5315 – Disposition of Forfeited Property
- MN STATUTE 609.5316 – Summary Forfeitures
- MN STATUTE 609.18 – Forfeiture of Vehicles Used in Drive-by Shootings
- MN STATUTE 609.666 – Negligent Storage of Firearms

Revision approved by the POST Board on July 24, 2025.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 359.0

EFFECTIVE DATE: January 1, 2019 REVISED: DECEMBER 7, 2018

SUBJECT: VICTIM'S RIGHTS TO SEXUAL ASSAULT EVIDENCE INFORMATION

PURPOSE:

The Mille Lacs Tribal Police Department will adopt procedures per MSS 611A.27, to respond to data requests from victims of sexual assaults, or the victim's designee.

359.01 ACCESS TO LAW ENFORCEMENT DATA

Upon written request from the victim or victim's designee, where the Mille Lacs Tribal Police Department is the primary investigating agency, shall release the following active investigative data (as defined in *MSS 13.82 subd. 7*); to a victim of sexual assault about a submitted sexual assault examination kit, as defined (MSS 299C.106, subd. 1(g):

I. the date that a sexual assault examination kit was submitted to a forensic laboratory, as defined in section 299C.157, subdivision 1, clause (2), and the date that the agency received notice of the results of that testing; and
II. whether a DNA profile was obtained from the testing.

The Mille Lacs Tribal Police Department may refuse the request, if the release of that data will interfere with the investigation.

359.02 RESPONDING TO A VICTIM'S REQUEST FOR DATA

I. Upon a request by a victim of a sexual assault for data, the Tribal Police Investigator Sergeant or their designee will be the Department's responding representative to requests for data. The Tribal Police Investigator Sergeant or their designee, will serve as a liaison between the agency and the forensic laboratory.

II. The Tribal Police Investigator Sergeant or their designee will respond to the request from data within 30 days of receipt, unless the request has been refused due to potential interference of the investigation.

III. The sexual assault victim can designate another person to request information on the victim's behalf by providing written authorization to the agency except that

Mille Lacs Tribal Police Department can decline to provide the information due to potential interference of the investigation.

IV. The Mille Lacs Tribal Police Department will allow a sexual assault victim to contact the agency representative to request that a restricted kit as defined in section 299C.106, subdivision 1, paragraph (e), be reclassified as an unrestricted kit as defined in section 299C.106, subdivision 1, paragraph (h), if the restricted kit is in the possession of the agency. The request must be made in writing and signed by the victim. The victim must provide the department liaison an original signed copy of this request.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 360.0

EFFECTIVE DATE: January 11, 2021 REVISED: January 11, 2021

SUBJECT: DATA WORKS AIO FINGER PRINT IDENTIFICATION DEVICE

360.01 PURPOSE:

To set guidelines for the use of the Finger Rapid Identification devices used for capture of fingerprints to access the State of Minnesota's Finger Rapid Identification system.

360.02 DEFINITIONS:

Automatic Finger Identification System (AFIS) - The Minnesota Bureau of Criminal Apprehension's fingerprint system for identification of individuals in the criminal justice system.

Computerized Criminal History Data – all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension and disseminated through the criminal justice information system, including but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

Criminal Justice Agency (MN Stat. § 299C.46) - an agency of the state or an agency of a political subdivision charged with detection, enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state. This definition also includes all sites identified and licensed as a detention facility by the Commissioner of corrections under section 241.021,

Rapid Identification System – a subsystem of the Automatic Fingerprint Identification System (AFIS) that is capable of searching submitted index finger fingerprints and returning identification and/or criminal history data in a short time, typically less than three minutes.

360.03 POLICY

The Rapid Identification equipment is designed to aid law enforcement personnel in the identification of persons through the evaluation of fingerprints. Only personnel trained in Rapid Identification equipment use, through approved courses, shall be authorized to operate this equipment and have access to Rapid Identification data.

Finger based Rapid Identification data is only an aid to the identification of a person. Information received from the Rapid Identification system shall not be used as the sole grounds for establishing probable cause for arrest. Law Enforcement Officers and others operating Rapid Identification equipment or accessing Rapid Identification data shall ensure that 4th amendment rights of the party being tested are not violated and that all local policies and procedures are followed.

Law Enforcement Officers shall document the use of Rapid Identification equipment on an Initial Complaint Report (ICR).
Individuals who use the Rapid Identification System in a manner inconsistent with this policy, other policies, or data practices statutes will be subject to discipline procedures pursuant to Mille Lacs Tribal Police Department Operations Manual.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 361.0

EFFECTIVE DATE: January 11, 2021 REVISED: January 11, 2021

SUBJECT: IN-SERVICE TRAINING RECOGNIZING AND VALUING COMMUNITY DIVERSITY AND CULTURAL DIFFERENCES TO INCLUDE IMPLICIT BIAS TRAINING

In 2017 the Minnesota legislature passed statute 626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY. One component of this statute requires the chief law enforcement officer of every state and local law enforcement agency to provide in-service training in "Recognizing and Valuing Community Diversity and Cultural Differences to Include Implicit Bias" beginning July 1, 2018.
Training must comply with the learning objectives approved by the Minnesota Board of Peace Officer Standards and Training and be provided through courses approved for continuing education by the board. These objectives are intended to promote improved police and community relationships and safety, and increased recognition and appreciation of community diversity and cultural differences.

Learning Objectives

1. Demonstrate understanding of race relations and their impact on policing practices, to include:

A. Summarize race and policing in the U.S. in historical context. Discuss the ongoing influence of race relations, strategies to reconcile past injustice, and the importance of fair and impartial policing.

B. Identify/analyze policing practices that have historically alienated and angered disadvantaged communities of color.

C. Discuss how policing practices can address historically unjust laws and policies.

2. Demonstrate understanding of implicit and explicit bias, to include:

A. Explain the difference between implicit and explicit bias.

B. Discuss how fear and bias influence officer behavior and police-community interactions.

C. Identify your own implicit bias and strategies that can reduce the negative influence of bias.

3. Demonstrate understanding of impartial policing, to include:

A. Describe institutional racism and other forms of bias in the U.S. in a historical context, and their effect on culture, justice, crime, and law.

B. Discuss law enforcement practices that reduce bias and positively influence community relations.

C. Reflect on your individual practices and discuss how to apply impartial policing practices in your community.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 362.0

EFFECTIVE DATE: January 11, 2021 REVISED: January 11, 2021

SUBJECT: IN-SERVICE LEARNING OBJECTIVES FOR CRISIS INTERVENTION AND MENTAL ILLNESS CRISES TRAINING

In 2017 the Minnesota legislature passed statute 626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY. One component of this statute requires the chief law enforcement officer of every state and local law enforcement agency to provide in-service training in crisis intervention and mental illness crises to officers beginning July 1, 2018. This training must comply with learning objectives approved by the Minnesota Board of Peace Officer Standards and Training (POST Board) and be provided through courses approved for continuing education by the board. These objectives are intended to provide officers with training that promotes the safety of all those involved and positive crisis resolution. To be effective training should increase knowledge in the subject area and develop skills and abilities through active participation.

Learning Objectives

1. Demonstrate understanding of the challenges of mental illnesses to include:

A. Describe the major and serious forms of mental illnesses and how to recognize associated symptoms and behaviors including substance use disorders and signs of suicidality.

B. Discuss how psychiatric medications work, some of their possible side effects and why people don't always take their medications.

C. Explain how some behaviors associated with mental illnesses may overlap with commonly observed criminal behavior.

D. Discuss bias, fear, and misinformation that come from the stigma surrounding mental illnesses, and the importance of informed, fair, and impartial responses.

2. Demonstrate understanding of mental illness concerns specific to special populations to include:

A. Discuss special considerations officers should be aware of and strategies that can be appropriate in mental health crisis situations involving veterans.

B. Discuss how trauma can impact a person's mental health. Recognize signs and symptoms of trauma, and explain or model approaches for interacting with someone who has experienced trauma.

C. Discuss special considerations for recognizing and managing people experiencing a mental illness crisis with co-occurring substance use or abuse.

D. Discuss how culture affects views and reactions to signs/behaviors associated with mental illnesses. Identify the benefits of culturally knowledgeable/sensitive responses including strategies for culturally responsive mental health crisis intervention.

3. Demonstrate understanding of mental health concerns of peace officers to include:

A. Discuss how trauma exposure and stress may influence officer mental/physical health, decisions and behavior.

B. Discuss or model strategies that support good mental health.

C. Discuss how to recognize when help is needed, barriers to seeking help, and how to access help.

4. Discuss practical strategies for managing situations involving a mental health crisis to include:

A. Discuss and/or model verbal and non-verbal intervention techniques that officers can use to diffuse tension and reduce emotional intensity in situations involving someone experiencing a mental health crisis (i.e. rapport building, active listening, body language, voice).

B. Identify and/or model effective suicide intervention strategies.

C. Discuss peace officer duties to protect individuals in custody, warning signs of suicidality in custody, and practices for preventing suicide of individuals in custody.

D. Explain how and when to take someone into custody including:

• the statutory elements for taking someone into custody for reasons of mental illness or developmental disability, chemical dependence, or "intoxication in public",

• the information needed to determine if a peace officer hold is necessary and

• the criteria for a 72 hour hold.

E. Identify local resources officers can use during or after a mental health crises (e.g., mobile crisis teams, veterans services, outpatient services, homeless shelters, detox facilities, social services) and understand when and how to connect people with them.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 363.0

EFFECTIVE DATE: January 11, 2021 REVISED: January 11, 2021

SUBJECT: IN-SERVICE LEARNING OBJECTIVES FOR TRAINING ON CONFLICT MANAGEMENT AND MEDIATION

In 2017 the Minnesota legislature passed statute 626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY. One component of this statute requires the chief law enforcement officer of every state and local law enforcement agency to provide in-service training in conflict management and mediation beginning July 1, 2018.
This training must comply with learning objectives approved by the Minnesota Board of Peace Officer Standards and Training and be provided through courses approved for continuing education by the board.
These objectives are intended to provide officers with training on conflict management that promotes safe practices and positive resolutions. Although officers may be trained in individual skills and tactics, they must also be able to integrate them as they make decisions and solve problems in unique and complex situations. To be effective officer training should increase knowledge in the subject area and develop skills and abilities through participation.

Learning Objectives

1. Demonstrate understanding of how fair and impartial treatment of community members develops good will between police and all people, discourages conflict, and encourages cooperation to include:

A. Discuss how mutual trust, respect and cooperation are promoted through:
• Treating people fairly and with dignity and respect,
• Giving people an opportunity to be heard during encounters with law enforcement,
• Making impartial decisions,
• Being transparent with actions and
• Being open to community involvement in problem solving.

B. Discuss how fair, impartial treatment applies in a variety of police encounters with community members who are: victims, witnesses, by-standers, crime reporters or suspects.

2. Demonstrate understanding of the role of peace officers in conflict resolution to include:

A. Identify objective threat indicators that may call for taking immediate action to protect the safety of community members and officers.

B. Discuss or demonstrate practices and tactics that protect the safety of community members and officers while attempting conflict resolution.

C. Discuss the role peace officers play in fairly and objectively resolving conflict, in reducing tension, and in seeking ways to resolve conflict without use of force

D. Discuss how an officer's thoughts, moods, fears, and attitudes can contribute to the escalation or de-escalation of situations.

E. Discuss healthy ways to self-regulate emotions.

F. Identify how frustration, fear and anger play a role in conflict, and how making people feel safe, respected, and heard aids in managing heightened emotions.

3. Identify and demonstrate skills and strategies for conflict management and resolution to include:

A. Discuss problem solving strategies and barriers for dealing with individuals in conflict, e.g., reducing fears and tensions, instilling confidence, identifying needs and solutions and providing options.

B. Identify communication tactics to promote peaceful dispute resolution, e.g., active listening, rapport building.

C. Identify communication skills that promote peaceful dispute resolution, e.g., officer presence and demeanor (stance, facial expression, eye contact and proximity).

D. Describe or demonstrate appropriate conflict resolution practices.

4. Manage conflict in dynamic circumstances to include:

A. Identify objective threat indicators, such as rage or aggressive body language that may call for immediate action to protect the safety of community members and officers.

B. Discuss or demonstrate the use of threat reduction tactics involving time, distance, cover and disengagement while, if feasible, attempting de-escalation.

C. Demonstrate the use of emotional regulation and communication skills before, during and after a threatening incident.

D. Practice decision making in conflict scenarios that may or may not require the use of force.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 364.0

EFFECTIVE DATE: February 3, 2022 REVISED: December 08, 2021

SUBJECT: USE OF UNMANNED AERIAL VEHICLES (M.S.S. 626.19)

PURPOSE:

This section applies to unmanned aerial vehicle data collected, created, or maintained by a law enforcement agency and to law enforcement agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, training, or in response to emergencies, incidents, and requests for service. Unmanned aerial vehicle data collected, created, or maintained by a government entity is classified under chapter 13.

DEFINITION(S):

(1) "government entity" has the meaning given in section 13.02, subdivision 7a, except that it does not include a law enforcement agency;

(2) "law enforcement agency" has the meaning given in section 626.84, subdivision 1;

(3) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft; and

(4) "terrorist attack" means a crime that furthers terrorism as defined in section 609.714, subdivision 1.

RESTRICTED USE:

Except as provided in SECTION 364.01, Mille Lacs Band Tribal Police must not use a UAV without a search warrant issued under this Section.

364.01 AUTHORIZED USE. Mille Lacs Band Tribal Police Officers, certified under the F.A.A. may use a UAV;

(1) during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;

(2) over a public event where there is a heightened risk to the safety of participants or bystanders;

(3) to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;

(4) to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters;

(5) to conduct a threat assessment in anticipation of a specific event;

(6) to collect information from a public area if there is reasonable suspicion of criminal activity;

(7) to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;

(8) over a public area for officer training or public relations purposes; and

(9) for purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use.

364.02 LIMITATIONS ON USE.

(a) UAV must comply with all Federal Aviation Administration requirements and guidelines.

(b) a Mille Lacs Band Tribal Police may not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.

(c) A law enforcement agency must not equip a UAV with weapons.

(d) A law enforcement agency must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under section 364.01.

364.03 DOCUMENTATION/ RECORD

F.A.A. Certified Mille Lacs Band Tribal Police Officers, must document each use of a UAV, connect each deployment to a unique case number, provide a factual basis for the use of a UAV, and identify the applicable exception under section 364.01, unless a warrant was obtained.

364.04 DATA CLASSIFICATION; RETENTION

Data collected by a UAV are private data on individuals or nonpublic data, subject to the following:

(1) if the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy;

(2) UAV data may be disclosed as necessary in an emergency situation under section 364.01, clause (1);

(3) UAV data may be disclosed to the government entity making a request for UAV use under section 364.01, clause (9);

(4) UAV data that are criminal investigative data are governed by section 13.82, subdivision 7; and

(5) UAV data that are not public data under other provisions of chapter 13 retain that classification.

(b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

(c) Notwithstanding section Minnesota State Statute 138.17, a law enforcement agency must delete data collected by a UAV as soon as possible, and in no event later than seven days after collection unless the data is part of an active criminal investigation.

364.05 REPORTING REQUIRMENTS

By January 15 of each year, each law enforcement agency that maintains or uses a UAV shall report to the commissioner of public safety the following information for the preceding calendar year:

(1) the number of times a UAV was deployed without a search warrant issued under this chapter, identifying the date of deployment and the authorized use of the UAV under SECTION 364.01; and

(2) the total cost of the agency's UAV program.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 365.0

EFFECTIVE DATE: June 1, 2022, REVISED: April 12, 2022

SUBJECT: POLICE EXPLORER PROGRAM

365.01 PURPOSE:
Police Explorers serve as civilian students who are gaging toward a career in the Criminal Justice field. Explorers are not commissioned as law enforcement officers and do not have authority to make a custody arrest or execute decisions concerning police business. Explorers may be assigned to assist in law enforcement related community service functions under the supervision of a sworn law enforcement officer. They can also be used as a resource during disaster emergencies and large scale special events. Generally, they receive significantly less training than sworn officers or full-time employees. Explorers are not authorized to carry a weapon.

Police Exploring is a career-oriented volunteer program dedicated to teaching applicants' life and leadership skills. The program allows participants the opportunity to explore a career in law enforcement by working with their local law enforcement agencies.
Mille Lacs Band Tribal Police will educate young men and women in the field of law enforcement through classroom instruction, practical exercises, and occasional local field trips. Our curriculum is meant to help the explorer decide if the field of law enforcement is right for them and provide a sound foundation for which they can build their career.

365.02 APPLICANT PROCESS
Applicants for the Police Explorer program must be between the ages of 15 and 19 years old, and must be enrolled in school, with a good attendance record. While in the program, an Explorer shall maintain a minimum 2.0 Grade Point Average (GPA). Applicant must be an enrolled member of the Mille Lacs Band. Applicants must be of good health and good character to enter the program as a Police Explorer. All applicants must complete an application, waivers, documentation, and essay in full and submit to a general background investigation.

Misdemeanor charges, assaultive misconduct, and past drug/alcohol abuse, Felony charges and/or current alcohol/drug abuse will disqualify applicants. Applicants must demonstrate a willingness to participate, learn, and exercise leadership skills. Membership into the program is competitive, and not guaranteed. The program will have a limited number of active Explorer recruits.

365.03 ORAL INTERVIEW SELECTION

A candidate for the Police Explorer Program will be contacted for an interview, once all required application materials have been completed and returned to the Mille Lacs Band Tribal Police Department by the designed timeline. The applicant shall appear before an oral board consisting of, but not limited to, the Program Coordinator, Chief of Police, Deputy Chief of Police, Patrol Sergeant, Investigator, Officer Manager, or Field Training Officer. The members of the oral board will be given a complete copy of the application prior to the scheduled oral interview.

The results of the interview will determine whether the applicant is accepted or rejected. Accepted applicants will have a general background preformed to determine eligibility. Eligible candidates may enter the program for a probationary period outlined in section 365.21 of this policy. During the probationary period the Mille Lacs Band Tribal Police Department reserves the right to dismiss the Explorer with just-cause.

365.04 CONFIDENTIALITY

Explorers shall treat all information received from the Police Department as "Confidential" in nature. Explorers will never disclose confidential information to any third party, not representative of the Mille Lacs Tribal Police Department. Explorers will never reveal the identity of complainants, informants, suspects, witnesses, or victims to any person outside the Mille Lacs Tribal Police Department. Explorers will never communicate information relating to ongoing investigations or proposed arrests to anyone outside of the Mille Lacs Tribal Police Department.

365.05 EXPLORER RECRUIT PERSONNEL FILES

All documentation pertaining to an Explorer's performance (i.e., applications, evaluations, commendations, etc.), shall be filed with the Mille Lacs Tribal Police Department Explorer Program by the Mille Lacs Band Tribal Police Explorers Program Coordinator. The file will track training, evaluations, report cards, commendations, disciplines, and attendance.

The Explorer files are considered confidential private data and are only accessible to the individual Explorer and parent/ guardian upon written request to the Explorer Program Coordinator, or the Chief of Police.

365.06 EXPLORER PROGRAM CHAIN OF COMMAND

A Chain of Command is established to introduce the Explorer to a structured environment that mimics that of an established law enforcement agency. Interaction will be kept to the lowest possible level to solve any problems that may arise.

The Explorer Program is governed by the same chain of command as employees. Explorers will report to the Explorer Program Coordinator, as well as any designees. Designees will be sworn Police Officers and/or any police personnel assigned to assist in educational activities during training sessions by the Chief of Police.

365.07 POSITION RESPONSIBILITIES

Police Explorer Program Coordinator

The Program Coordinator must ensure the professional and consistent operation of The Mille Lacs Band Tribal Police Department Explorers Program. The Police Explorer Program Coordinator, who is a full-time sworn police officer, is appointed by the Chief of Police.

The Program Coordinator will directly supervise all members of the Explorers program during Explorer activities, Explorer meetings, and all other activities related to the program. The Program Coordinator will be responsible for supervising the recruitment and screening of new applicants, ensure proper information flow to and from the Command Staff through appropriate Chain of Command.

Receive, review, and investigate complaints internally or externally, made against the program recruit, including attendance records, behavioral, and academic standing. The Police Explorer Coordinator will ensure that proper corrective action is administered as outlined by agency policy, procedures, and this policy section.

365.08 EXPLORER RECRUIT EVALUATIONS

Objective feedback is an essential component to self-development and improvement. The identification of strengths and weaknesses, positive and negative behaviors, and implementation of a plan to become stronger and more improved is critical. Equally as critical is following up and assessing if the plan is working properly, or if adjustments are necessary.

It is essential that evaluations on Explorer Recruits and individual counseling during the following times:

(a) Upon promotion and/or appointment to new duties
(b) Following positive or negative performance
(c) At least once per calendar year to assess their performance of current capacities.

365.09 EXPLORER CORE LEARNING OBJECTIVES

Explorers will be required to participate in a classroom learning environment. Scheduled core learning objectives are designed to give Explorers the knowledge needed to be successful in a Law Enforcement career. Classroom instruction will often be reinforced with practical hands-on exercises.

I. Core learning objectives to meet program graduation status:

a) Overview of the Criminal Justice System
b) Emergency First Aid/ C P R – Certification
c) Crime Prevention and Community Policing
d) DNR Harvest Seasons / Landing Enforcement
e) Radio Communications
f) Emergency Vehicle Orientation
g) Crime Scene Investigation Techniques
h) Traffic Enforcement
i) DNR Enforcement-Boat, ATV, Snowmobile Safety
j) Stinger Stop-Stick Orientation and implementation- Certification
k) 60 hours of Community Policing Service

365.10 POLICE EXPLORER GRADUATE STATUS

Upon completion of the required core learning objectives, Explorer recruit will be awarded a Mille Lacs Tribal Police Explorer badge to be worn on uniform shirt.

Police Explorer graduates will be sworn into Police Explorer Office and swear under Oath to faithfully fulfill their duties.

365.11 POLICE EXPLORER LOCAL FIELD EXERCISES AND SERVICE ATTENDANCE

Field exercises may be necessary for Explorers to gain experiences. Special instructions will be given if a local field trip is scheduled (dress attire, etc.). The Explorer's parent or guardian must give signed permission to attend on a field trip (Under age 18). Failure to produce signed permission or follow special instructions may result in an Explorer's inability to participate.

General field exercises conducted on the Mille Lacs Band of Ojibwe Reservation will be scheduled and communicated with parent/ guardians before date of events.
During all events and activities Explorers will wear only the approved Explorer uniform.
Explorers must be supervised at all functions by advisors, police officers or Sergeants.
Explorers are not to be accompanied by non-program members when attending an event.
Injuries and illnesses at program functions shall be immediately reported to an advisor.
An Explorer is only to act in the capacity of a citizen while at community events. The only exception is under direction of a Police Officer or to protect human life.

365.12 COMMUNITY INTERACTION

Explorers will be required to interact with the public in a courteous, professional, and respectful manner. Explorers will assist the citizens of the Mille Lacs Band of Ojibwe during District Pow wows, Community events, and National Night Out.

365.13 EXPLORER RIDE ALONG PROGRAM

Explorers Program Graduates may experience a Police ride along. The Explorer Program Coordinator will approve all Explorer Graduate Police Ride along activities. Police Ride along activities will be limited to four (4) hour sessions for juvenile age riders. Officers selected for the ride along will be sworn Field Training Officers and of same gender of rider.

The Police Explorer Program Coordinator, Police Supervisor, and Field Training Officer reserve the right to suspend or deny any Explorer Graduate ride along privileges based on conduct, lack of maturity, or inability to follow instructions.

Written ride along request forms must be submitted to the Explorer Program Coordinator no less than two (2) weeks from the desired ride along date(s). Approved Ride along forms will be submitted to respective Patrol Sergeants for final approval. Some dates may not be available due to manpower shortages, other scheduled riders, or special events.

During a ride-along, Explorers will wear issued Explorer uniform, in a clean, neat and professional manner. Explorers will follow directions and commands of their assigned Field Training Officer.

365.14 EXPLORER SCHEDULED MEETINGS/ EVENTS

Explorers are encouraged to attend all scheduled meetings and training exercises. The Program Coordinator will coordinate mandatory training sessions required to complete the Explorers Program for Graduation.

Vital program curriculum pertinent to the Explorer Program will be distributed at these training classes. Lack of attendance may affect the Explorer's ability to participate in some aspects of the Program. If an Explorer is unable to attend an event, it is the Explorer's responsibility to notify their chain of command no less than six (6) hours prior to the scheduled meeting, event, or training.

The Explorer Program Coordinator will determine if the Explorer's absence is valid. Excessive absences may be grounds for dismissal from the program. If an Explorer has two (2) unexcused absences or no shows, may be grounds for dismissal from the Program.

365.15 EXPLORER REPRESENTATION

a. Explorers are representatives of the Mille Lacs Tribal Police Department and will be of strong moral character
b. Explorers are required to maintain a clean, well kept, and professional appearance while in uniform
c. Explorers will interact with members of Police Department and the members of community in a courteous and professional manner
d. Explorers will not use their position with the department for personal gain. Any Explorer found to be abusing their position could be dismissed following disciplinary action
e. No photographs of Explorers in uniform, or any components of their uniform, should appear on social media or the internet unless posted by the department or with the expressed permission of the Program Coordinator or Chief of Police.

365.16 POLICE EXPLORER UNIFORM

Police Explorers appearing in sworn police officer dress can be dangerous to the Explorer and confusing to the public. The Explorer must be clearly distinguishable from a sworn police officer, or members of the community may expect assistance in situations for which the Explorer is not trained or empowered to act.

Explorers are required to express they are Explorers and have no capacity to make law enforcement decisions to civilians that expect assistance. Any Explorer intentionally posing or impersonating a real police officer will be immediately dismissed from the program, including having criminal charges brought against them. Manipulating the Explorer uniform in any way may be grounds for disciplinary actions and possible dismissal from the program.

Explorers shall be issued the Class "B" Uniform for wear during training and community events. A traffic vest will be issued and required to be worn during any traffic control events. All Explorer uniform t-shirts and polo shirts are the property of the Mille Lacs Tribal Police Department

Explorers are not authorized to wear their uniform when not involved in Explorer activities

Explorers will return all issued uniforms, badge, and equipment once the Explorer is no longer active in the Police Explorer Program.

365.17 EXPLORER CONDUCT

Explorers are required to maintain the same high standards of personal and professional conduct required of any Police Department employees as set forth in the Mille Lacs Tribal Police Department Policies.

Explorers will not fraternize with Administration or any other member of the Police Department in an unprofessional manner. Explorers are required to immediately self-report any relationship that arises between another Explorer or cadet to any sworn or non-sworn member of the department.

Explorers must report any contact made with a Law Enforcement Agency to the Program Coordinator within three (3) days of the initial contact. Required information to report includes.

a) The contact agency
b) Result of contact
c) Actions following the initial contact.

Explorers will not consume any alcoholic beverages, narcotics, or illegal substance(s) at any time. If an Explorer is under a doctor's care and is prescribed medication that affects mood, mental, or physical abilities, then the Program Coordinator shall be notified. Explorers will not smoke or consume tobacco products while in uniform or while participating in any Explorers function.

Explorers will not accept any gratuities, loans, gifts, merchandise, meals, beverages, or other things of value in connection with or resulting from their official position.

Explorers will not use their official positions to obtain privileges not otherwise available to them. Explorers will not harass or intimidate the public or other Explorer program members or create, or promote, a hostile environment.

Conduct violations may result in the suspension or dismissal from the Program.

Electronic Devices

The use of cellular phones or other devices during classroom instruction and training is not authorized. Cell phones and any other electronic devices shall not be used during Explorer functions or law enforcement activities unless as part of the Explorer's official duties. Permission from Program Coordinator may be granted in some situations.

365.18 EXPLORER COMPLAINT PROCESS

If an Explorer files a complaint against another Explorer member, the Explorer must inform the Program Coordinator. All complaints against another Explorer recruit will be in writing. The Program Coordinator will investigate the complaint and take necessary action to resolve the complaint.

If the Explorer complaint is against a member of the Police Department, the complaint will be forwarded to the Chief of Police for review and process under Police Department Policy Manual procedures.

365.19 EXPLORER INJURIES WHILE ON-DUTY

Any injuries which occur during an Explorer event shall be reported to the Program Coordinator immediately. Medical services will be provided for minor injuries. In the event of a major injury, medical services will be notified for advanced treatment. The Program Coordinator will contact the Explorer's parent/guardian if they under the age of 18, as soon as possible.

365.20 POLICY AND PROCEDURE COMPLIANCE

Each Explorer must comply with all applicable Police Department policy sections under 365.0, and any lawful procedure or guidance by a member of the Police Department. Failure to comply could result in suspension or removal from the Program.

365.21 PROGRAM PROBATION AND RETIREMENT

Explorers joining the Police Explorer Program will be on a three (3) month probation period. Major violations of this policy and/ or excessive minor violations may be grounds for dismissal on or following the probation period.

Explorers completing the Program through graduation may be timed-out of the Explorer Program due to other recruits having an opportunity to join. The Explorer Program has a limited number of spots for recruits. The decision to retire an Explorer will be at the discretion of the Program Coordinator. The Chief of Police will have final approval.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 366.0

EFFECTIVE DATE: July 20, 2022 REVISED: July 20, 2022

SUBJECT: ANIMAL COMPLAINTS

366.01 PURPOSE

The purpose of this section is to provide guidelines for the handling of animal complaints. Providing citizen's calls for service for animal control issues generally comes under the responsibility of the police department. In such situations, police and conservation officers are obligated to take action when reasonably necessary.

366.02 NUISANCE DOGS RUNNING AT LARGE

Tribal Police Communications will collect pertinent information such as the name of complainant, location of problem, description of the animal, and nature of problem. This information is generally passed on to the officer for follow-up. If the dog is vicious and a danger to others, a police officer shall be assigned and respond immediately.

Officers are to respond to dog complaints without unnecessary delay. Officers shall determine the owner of the loose animal, and contact the owner (if known) to restrain animal. Owners shall follow the Mille Lacs Band Statute Title 11 "Animal Protection" for proper shelter.

If an Officer is unable to make contact with a known owner of an animal, The Officer may secure the animal in the yard of the owner, if proper shelter and food is readily available.

Owners of loose animal shall be cited or charged under the Mille Lacs Band Statute Title 11 "Animal Protection".

Tribal enforcement officers may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink in circumstances that threaten the life of the animal, or wandering the roads, parking areas, or other public areas without a collar or visible current rabies tag.

When necessary, a tribal enforcement officer may deliver the animal to another person to be sheltered and cared for and furnished with suitable food and drink. If an Officer cannot find local placement, Tribal Communications will attempt to locate a veterinarian or shelter location for holding and shelter.

If an officer places an animal other than the owner's place of residency, the officer shall leave posted notice of impoundment at the residence of the owner. If the owner is not known, Officers shall leave posted notice with a photograph of the animal in the place where the animal was seized. Notice will include a description of the animal.

366.03 ANIMAL DISPOSAL

In the event of an animal, which has without provocation inflicted bodily injury on any person, and is loose and acting in a threatening manner, may be dispatched/ destroyed by the responding Officer. The animal shall be removed and taken to a licensed veterinarian for proper cremation.

In any non-emergency incident and upon a proper determination by a licensed veterinarian, any animal taken into custody may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of § 3025 of Mille Lacs Band Title 11, chapter 4.

366.04 ANIMAL BITES

When a person is bitten by a cat or dog where the skin is broken and the animal is not owned by them, officers are to investigate the incident, by means of statements, proof of vaccinations, and photographs. If the animal responsible for the bite does not have up-to-date rabies vaccination or if it is unknown as to the disposition of vaccination, the animal is to be taken into custody and quarantined at an animal shelter.

The animal can be left with the owner during the quarantine period if the complainant agrees and if the owner appears responsible for insuring that the animal is watched and does not exhibit any health problems for the next ten days. The owner is responsible for reporting back to the investigating officer after the ten day period. The owner shall have all vaccinations and rabies shots up to date and documentation of proof, for the Officer.

366.05 SHELTER IMPOUNDMENT AND INDEMNIFICATION

When a Tribal Enforcement Officer exercises their discretion on seizing and placing an animal into shelter under this policy section, and/ or the Mille Lacs Band Statute Title 11, Chapter 4, any persons or shelter facility is not liable for the seizure of an animal under the action of the police department. The persons or shelter facility receiving an animal are providing care and shelter for an animal, until the animal is returned to the owner, or adoption process.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 367.0

EFFECTIVE DATE: APRIL 25, 2022 REVISED: July 20, 2022

SUBJECT: SOCIAL NETWORKING SERVICES

367.01 PURPOSE

This policy provides guidelines to ensure that any use of social media on behalf of the Police Department is consistent with the Department's mission.
This policy does not address all aspects of social media use. Specifically, it does not address:

i. Personal use of social media by Department members.
ii. Use of social media in personnel processes.
iii. Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office

367.02 DEFINITIONS

Definitions related to this policy include:
Social media**:** Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the Police Department website or social networking services.

Authorized Social Networking Administrator(s): Any member of the Police Department, appointed by the Chief of Police, who has administrative rights to a department website and/or Department social platform site/page. The appointed Social Networking Administrator(s) will be responsible for posting and monitoring information and comments posted to linked platforms of the Police Department.

367.03 POLICY

The Mille Lacs Band Police Department may use social media as a method of effectively informing the public about police services, issues, investigations, and other relevant events.
Social Networking Administrator(s) shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all individual persons. Requests to post information over Department social media platforms by members who are not authorized, should be made through an authorized Social Networking Administrator.

367.04 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the police department's mission and conforms to all police policies regarding the release of information may be posted.

Examples of appropriate content include:

i. Announcements.
ii. Tips and information related to crime prevention.
iii. Investigative requests for information.
iv. Requests that ask the community to engage in projects that are relevant to the department's mission.
v. Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
vi. Traffic information.
vii. Approved press releases.
viii. Recruitment of personnel postings.

367.05 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Chief of Police.

367.06 PROHIBITED CONTENT

Content that is prohibited from postings include, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
(c) Any information that could compromise an ongoing investigation.
(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Mille Lacs Band Police Department or its members.
(e) Any information that could compromise the safety and security of police operations, members of the department, victims, suspects, or the public.
(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site/platform that they believe is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

367.07 MONITORING CONTENT

The Chief will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

367.08 RETENTION OF RECORDS

The Deputy Chief of Police should work with the Office Manager to establish a method of ensuring that public records generated in the process of social media platform use are retained in accordance with established records retention schedules. Any postings or comments that have been removed shall be retained and or recorded in accordance with this policy.

367.09 TRAINING

Social Networking Administrator(s) shall receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination, and retention of information posted on

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 368.0

EFFECTIVE DATE: JUNE 01, 2022 REVISED: November 13, 2025

SUBJECT: CONFIDENTIAL INFORMANTS

368.01 PURPOSE

The purpose of this policy of the Mille Lacs Band Tribal Police Department, is to establish procedures and protocols that take necessary precautions concerning the recruitment, control, and use of confidential informants.

368.02 DEFINITIONS

Confidential Informant (CI): A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and;

1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
2. is able, by reason of the person's familiarity or close association with suspected criminals, to:
    i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
    ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
    iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

Compelling Public Interest: refers to a situation in which a failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

Mental Harm: means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

Confidential Informant File*:* means a file maintained to document all information that pertains to a confidential informant.

Unreliable Informant File: means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.

Compelling Public Interest*:* means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

Overseeing agent*:* means the officer primarily responsible for supervision and management of confidential informant

368.03 PROCEDURES

I. Initial Suitability Determination

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the officer's Sergeant or Investigative Division, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
    a. Age, sex, and residence
    b. Employment status or occupation
    c. Affiliation with legitimate businesses and illegal or suspicious enterprises

d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation

e. Relationship with the target of an investigation

f. Motivation in providing information or assistance

g. Risk of adversely affecting an existing or future investigation

h. Extent to which provided information can be corroborated

i. Prior record as a witness

j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime

k. Risk to the public or as a flight risk

l. Consultation with the individual's probation, parole, or supervised release agent, if any

m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability

n. Relationship to anyone in law enforcement

o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement

p. Prior or current service as a CI with this or another law enforcement organization

2. Prior to an individual's use as a CI, The Deputy Chief must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.

3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:

   a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or

   b. is participating in a treatment-based drug court program or treatment court; except that

   c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.

5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.

6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a

case manager/social worker from the county social services agency, or other substance abuse and mental health services.

7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues, within this policy where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.
8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the Deputy Chief of Police as soon as possible.
9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.
10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

II. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:
    a. The individual is not excluded from utilization as a CI under this policy; and
    b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
    c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.
2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

III. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the Deputy Chief and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
    a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.
    b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*

c. Juveniles under the guardianship of the State or Band may not be used as a CI.

2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

IV. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the agency through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed unaccompanied access to restricted areas or investigators' work areas within a the police department.
6. All CIs must sign and abide by the provisions of the agency's CI agreement.
7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
    a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section V. of this policy must be followed.
    b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.
    c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.
    d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.
    e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.
    f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.
    g. CIs may be directed to wear a listening and recording device.
    h. CIs must be required to submit to a search before and after a controlled purchase.

i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.

9. CI activity outside jurisdictional boundaries:
    a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of this agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
    b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the Chief or Deputy Chief of Police
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this Department must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this Department must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
    a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
    b. Overseeing agents must document:
        i. the screening,
        ii. any referral to services provided to, or requested by, the CI, and

iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.

c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
18. Overseeing agents must:
    a. evaluate and document the criminal history and propensity for violence of target offenders; and
    b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of this Department is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with this Department have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

V. Establishment of an Informant File System

An informant file system must be established as follows:

1. The Chief or their designate, must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
    a. Name, aliases, and date of birth
    b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
    c. Emergency contact information

d. Name of the officer initiating use of the informant and any subsequent overseeing agents
e. Photograph and criminal history record
f. Current home address and telephone number(s)
g. Residential addresses in the last five years
h. Current employer, position, address, and telephone number
i. Social media accounts
j. Marital status and number of children
k. Vehicles owned and their registration numbers
l. Places frequented
m. Gang affiliations or other organizational affiliations
n. Briefs of information provided by the CI and the CI's subsequent reliability
o. Special skills and hobbies
p. Special areas of criminal expertise or knowledge
q. A copy of the signed informant agreement

5. CI files must be maintained in a separate and secured area.
6. The file designate must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
7. CI File Review
    a. Sworn personnel may review an individual's CI file only upon the approval of the Chief or their designee.
    b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
    c. Officers must not remove, copy, or disseminate information from the CI file.
    d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
    e. All disclosures or access to CI files must be recorded by the designate, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
    f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

VI. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
    a. The name of the agency.
    b. The name of the CI.
    c. The control number of the CI, where applicable.
    d. The date of deactivation.
    e. The reason for deactivation.
    f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
    g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
    h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.
    i. A signature by the overseeing agent.
2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

VII. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the Chief.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the Chief, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with Department policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision VI. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

STATUTORY REFERENCES

- MN STATUTE 626.8476 – Confidential Informants
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 369.0

EFFECTIVE DATE: JUNE 20, 2022 REVISED: November 13, 2025

SUBJECT: PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY

369.01 PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The Mille Lacs Band Tribal Police Department supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the Mille Lacs Band Tribal Police Department personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

369.02 POLICY

The Mille Lacs Band Tribal Police Department will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the Mille Lacs Band Tribal Police Department regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowdevent situations, and planned demonstration or crowd events regardless of the permit status of the event.

This policy is to be reviewed annually.

369.03 DEFINITIONS

A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
C. Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
D. Crowd Control: Techniques used to address unlawful public assemblies.
E. 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.
(Reference: Mille Lacs Band Tribal Police Department Use of Force Policy, MN Statutes **609.06 and 609. 066)**
F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.

G. First Amendment Activities**:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

H. 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.
(Reference: Mille Lacs Band Tribal Police Department Use of Force Policy, MN Statutes **609.06 and 609. 066)**

I. Legal Observers – Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

J. Less-lethal Impact Munitions. Impact munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

K. Media: Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service,

L.

radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

369.04 LAW ENFORCEMENT PROCEDURES

Uniform:

All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

Officer conduct:

Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
Officers must not take action or fail to take action based on the opinions being expressed.
Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

369.05 RESPONSES TO CROWD SITUATIONS

A. Lawful assembly. Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering.

B. Unlawful assembly

1. The definition of an unlawful assembly has been set forth in Minnesota Statute §609.705.
2. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

C. Declaration of Unlawful Assembly

1. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
2. The dispersal order must include:
   a) Name, rank of person, and agency giving the order
   b) Declaration of Unlawful Assembly and reason(s) for declaration
   c) Egress or escape routes that may be used
   d) Specific consequences of failure to comply with dispersal order
   e) How long the group has to comply
3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do

not disperse, they will be subject to arrest.

2. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.

3. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal officer intervention needed to address a crowd management or control issue.
4. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly,and a new declaration of unlawful assembly has been made.

369.06 TACTICS AND WEAPONS TO DISPERSE OR CONTROL A NON-COMPLIANT CROWD

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the Mille Lacs Band Tribal Police Department Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.

3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd containment, or crowd dispersal.
4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

5. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.
6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
   a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
   b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
   c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.
   a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
   b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
   c) When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
   d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.

8. Chemical munitions use in a crowd situation is subject to the following:
   a) Chemical munitions must be used only when:
   1) a threat of imminent harm or serious property damage is present, or

other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,

2) sufficient egress to safely allow the crowd to disperse exists, and

3) The use of chemical munitions is approved by the on-scene supervisor/incident commander, and

b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.

c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.

d) CN chemical munitions are prohibited.

e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department on request :

1) the name of each chemical munition used in an incident,

2) the location and time of use for each munition deployment,

3) access to the safety data sheet (SDS) for chemical munition

f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.

g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.

h) Chemical munitions are subject to the same procedural requirements as outlined in the Mille Lacs Band Tribal Police Department's UOF policy.

369.07 ARRESTS

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

369.08 HANDCUFFS

A. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.
B. Officers should be cognizant that flex-cuffs may tighten when arrestees hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, officers must examine the cuffs and ensure proper fit.
C. Arrestees in flex-cuffs must be monitored to prevent injury.
D. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

369.09 MEDIA

A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
D. The media must not be targeted for dispersal or enforcement action because of their media status.
E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

369.10 LEGAL OBSERVERS

A. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
B. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observers and monitors to remain in an area after a dispersal order.
C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

369.11 DOCUMENTATION OF PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY

A. The purpose of any visual documentation by (law enforcement agency) of a public assembly or first amendment activity must be related only to:
    1) Documentation of the event for the purposes of debriefing,
    2) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or
    3) Creating visual records for training purposes.

B. If it is the policy of Mille Lacs Band Tribal Police Department to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in

First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.

C. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers,or speakers.
D. Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
E. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.

This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

STATUTORY REFERENCES

- FIRST AMENDMENT OF THE US CONSTITUTION
- MINNESOTA CONSTITUTION
- MN STATUTE 609.06 – Authorized Use of Force
- MN STATUTE 609.066 – Authorized Use of Deadly Force by Peace Officers
- MN STATUTE 609.705 – Unlawful Assembly
- MN STATUTE 609.71 – Riot
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 370.0

EFFECTIVE DATE: AUGUST 19, 2022 REVISED:

SUBJECT: EMERGENCY MEDICAL TRAINING

370.01 PURPOSE

The purpose of this policy of the Mille Lacs Band Tribal Police Department, is to establish procedures and protocols involving the training and preparedness of sworn officers and Emergency Management Personnel responding to medical calls for service and Police Dispatchers providing emergency medical treatment walkthroughs over the telephone.

Members of the Mille Lacs Band Tribal Police provide emergency medical services to the rural communities of the Mille Lacs Band, where potential life saving measures are needed to protect and save lives. The jurisdiction in which Mille Lacs Band Tribal Police serve, lack the swift and immediate resources for emergency medical services, and members of the department are relied upon to provide quick response and intervention to reduce loss of life.

370.02 DEFINITIONS

Emergency Medical Responders (EMR) provide immediate lifesaving care to critical patients who access the emergency medical services system. EMRs have the knowledge and skills necessary to provide immediate lifesaving interventions while awaiting advanced EMS resources to arrive. EMRs also provide assistance to higher-level personnel at the scene of emergencies and during transport. Emergency Medical Responders are a vital part of the comprehensive EMS response. Under medical oversight, Emergency Medical Responders perform basic interventions with minimal equipment.

Emergency Medical Technicians (EMT) provide out of hospital emergency medical care and transportation for critical and emergent patients who access the emergency medical services (EMS) system. EMTs have the basic knowledge and skills necessary to stabilize and safely transport patients ranging from non-emergency and routine medical transports to life threatening emergencies. Emergency Medical Technicians function as part of a comprehensive EMS response system, under medical oversight. Emergency Medical Technicians perform interventions with the basic equipment typically found on an ambulance. Emergency Medical Technicians are a critical link between the scene of an emergency and the health care system.

370.03 POLICY

All sworn Police Officers and Conservation Officers are to have an active certification as an EMR upon hire. Sworn Officers are to maintain a minimum certification of an EMR while employed as a sworn officer with the department. An EMR certification expires every 24 months. EMR certification includes the certification of Cardiopulmonary Resuscitation **(CPR)**.

All Dispatch personnel are to be certified or initiate certification as an EMR within one year of employment. Dispatch personnel are to maintain a minimum certification of an EMR while employed as a Dispatcher with the department. An EMR certification expires every 24 months. EMR certification includes the certification of Cardiopulmonary Resuscitation **(CPR)**.

Emergency Management Personnel are to have an active EMT certification upon hire. Emergency Management Personnel are to maintain a minimum certification of an EMT while employed with the department. An EMT certification expires every 24 months.

The minimum requirements do not prohibit any member of the department to seek a higher or advanced level of medical certification training.

All members of the department are responsible for ensuring their certification is up to date through the Emergency Medical Services Regulatory Board (EMSRB).

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 371.0

EFFECTIVE DATE: JANUARY 1, 2024 REVISED:

SUBJECT: EXTREME RISK PROTECTION ORDER FIREARM STORAGE

PURPOSE

The purpose of this procedure is to establish guidelines for storing firearms when required by an Extreme Risk Protection Order (ERPO).

PROCEDURE

Mille Lacs Band Tribal Police Officers shall take possession of firearms as authorized and required by an ERPO. Officers shall process and securely store the items according to established Mille Lacs Tribal Police policies and procedures for firearm storage (section 349.04).

Officers shall ensure firearms are unloaded and rendered safe. All items shall be stored in a secure location within the Mille Lacs Band Tribal Police Department's control. Firearm information shall be recorded and maintained in accordance with department policies and procedures.

The person relinquishing possession of firearms shall be provided with an itemized receipt and labeled "Temporary Transfer" and instructed to contact the Police Department evidence technician after the expiration of the ERPO.

DISPOSAL OF ABANDONED FIREARMS

At the expiration of the court order the respondent shall retrieve all property items in a timely manner, if he/she is legally entitled to possess firearm(s). If the respondent fails to retrieve their property, the Police Department will send a certified letter giving the respondent 90 day notice to retrieve or the property will become abandoned.

If the certified letter through the USPS is undeliverable, the Police Department will make documented attempts to locate the individual in person or by assisting agencies.

If after three (3) good faith attempts to locate the respondent have failed, the respondent's held property will become abandoned. The abandoned property will be sold to a Federal Licensed Firearm dealer at fair market value.

Returning the property shall follow MSS 624.7175 and MSS 624.7176, other relevant state and federal laws, and Mille Lacs Band Tribal Police policies and procedures.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 372.0

EFFECTIVE DATE: April 30, 2024 REVISED: August 21, 2025

SUBJECT: CRIMINAL JUSTICE INFORMATION (CJI/CJIS)

PURPOSE

Required polices for the Tribal Police Department, for a network, device, or user that can access, store, or transmit Criminal Justice Information (CJI), these policies, procedures, and training are required.

The ability to access is the determining factor, not the active use. Meaning even if a department has been inactive and not using any CJI, but they still have an active ORI, or their network still CAN access CJI, these policies are required.

To provide appropriate controls to protect the full lifecycle of Criminal Justice Information (CJI), whether at rest or in transit, obtained through the DOJ's Justice Criminal Justice Information Service (JCIS) including but not limited to access to the National Crime Information Center (NCIC) International Justice and Public Safety Network (NLETS) Interstate Identification Index (III), The Bureau of Criminal Apprehension CJIS data through PsPortals or CJIS/NCIC information pulled under the Central Square Records Management System, and maintenance and security of all devices and networks used to access, store, or transmit CJI.

ROLES AND RESPONSIBILITIES

There is one TAC per CJA or NCJA, and there is one LASO per network, if there are independent networks, then multiple LASO may occur.

Terminal Agency Coordinator (TAC)

- The TAC serves as the point-of-contact at the local agency for matters relating to CJIS information access. The TAC administers CJIS systems programs within the local agency and oversees the agency's compliance with CJIS systems policies.

Criminal Justice Agency (CJA)

- A CJA is defined as a court, a governmental agency, or any subunit of a governmental agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspectors General Offices are included.

Noncriminal Justice Agency (NCJA)

- A NCJA is defined (for the purposes of access to CJI) as an entity or any subunit thereof that provides services primarily for purposes other than the administration of criminal justice.

Local Agency Security Officer (LASO)

Each LASO shall:

- Identify who is using the CSA approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
- Identify and document how the equipment is connected to the state system.
- Ensure that personnel security screening procedures are being followed as stated in this Policy.
- Ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

LASO Training Requirement

LASO training shall be required prior to assuming duties but no later than six months after initial assignment, and annually thereafter.

At a minimum, the following topics shall be addressed as enhanced security awareness training for a LASO:

- The roles and responsibilities listed in CJIS Security Policy Section 3.2.9.
- Additional state/local/tribal/federal agency LASO roles and responsibilities.
- Summary of audit findings from previous audits of local agencies.
- Findings from the last FBI CJIS Division audit of the CSA.
- Most recent changes to the CJIS Security Policy.

Incident Response Plan

The risk of a security incident, both accidental and malicious attacks against departmental Networks, remains persistent in both the physical and logical environments.

The Police Department shall promptly report a security incident to the appropriate TAC and LASO. Security events, including identified weaknesses associated with the event, shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. All personnel shall be made aware of the procedures for reporting the different types of events and weaknesses that might have an impact on the security of agency assets and are required to report any security events and weaknesses as quickly as possible to the designated point of contact.

To ensure protection of CJI, the department shall:

- Establish operational incident handling procedures that include adequate preparation, detection, analysis, containment, recovery, and user response activities
- Track, document, and report incidents to appropriate agency and or Tribal authorities.
- Notify the LASO as soon as a security incident is suspected, so the LASO can institute the Incident Response Plan and your data, network, and or device Recovery plan
- Notify tribalaccess@usdoj.gov or bca.servicedesk@state.mn.us with the following information as soon as possible:
    - Date of Report
    - How and When the Incident was detected
    - Point of Contact and contact information
    - Location(s) of incident

- Incident Description
- Systems Affected
- Actions Taken/Resolution

- If the incident involves mobile devices that can or have accessed CJI, the following information is needed:
  - Type of control loss, for example device known to be locked, device known to be unlocked, device lock state is unknown.
  - Total loss of device
  - Device compromised, or loss is outside of the United States

Auditing and Accountability

The Police Department shall implement audit and accountability controls to increase the probability of authorized users conforming to a prescribed pattern of behavior. The department shall carefully assess the inventory of components that compose their information systems to determine which security controls are applicable to the various components

Auditable Events and Content (Information Systems)

The agency's information system shall generate audit records for defined events. These defined events include identifying significant events which need to be audited as relevant to the security of the information system. The agency shall specify which information system components carry out auditing activities. Auditing activity can affect information system performance and this issue must be considered as a separate factor during the acquisition of information systems.
The agency's information system shall produce, at the application and/or operating system level, audit records containing sufficient information to establish what events occurred, the sources of the events, and the outcomes of the events. The agency shall periodically review and update the list of agency-defined auditable events. In the event an agency does not use an automated system, manual recording of activities shall still take place.

Events

The following events shall be logged:

- Successful and unsuccessful system log-on attempts.
- Successful and unsuccessful attempts to use:
  - access permission on a user account, file, directory, or other system resource.
  - create permission on a user account, file, directory, or other system resource.
  - write permission on a user account, file, directory, or other system resource.
  - delete permission on a user account, file, directory, or other system resource.
  - change permission on a user account, file, directory, or other system resource.
- Successful and unsuccessful attempts to change account passwords.
- Successful and unsuccessful actions by privileged accounts (i.e. root, Oracle, DBA, admin, etc.)
- Successful and unsuccessful attempts for users to:
  - access the audit log file
  - modify the audit log file
  - destroy the audit log file

Content

The following content shall be included with every audited event:

- Date and time of the event.
- The component of the information system (e.g., software component, hardware component) where the event occurred.
- Type of event.
- User/subject identity.
- Outcome (success or failure) of the event.

Response to Audit Processing Failures

The agency's information system shall provide alerts in the event of a system auditing failure.

Audit Monitoring, Analysis, and Reporting

The responsible management official shall review system audit records for inappropriate or unusual activity, suspicious activity, or suspected violations, report findings to appropriate officials, and take necessary actions. Audit review shall be conducted at a minimum once a week. The agency shall increase the level of audit monitoring and analysis activity within the information system whenever there is an indication of increased risk.

Time Stamps

The agency's information system shall provide date/time stamps for use in audit record generation. The agency shall synchronize internal information system clocks on an annual basis.

Protection of Audit Information

The agency's information system shall protect audit information and audit tools from modification, deletion, and unauthorized access.

Audit Record Retention

The agency shall retain audit records for at least one (1) year. Once the minimum retention period has passed, the agency shall continue to retain audit records until it is determined they are no longer needed for administrative, legal, audit, or other operational purposes.

Least Privilege

The agency shall approve individual access privileges and shall enforce physical and logical access restrictions associated with changes to the information system; and generate, retain, and review records reflecting all such changes. The agency shall enforce the most restrictive set of rights/privileges or access needed by users for the performance of specified tasks. The agency shall implement least privilege based on specific duties, operations, or information systems as necessary to mitigate risk to CJI. This limits access to CJI to only authorized personnel with the need and the right to know.

Logs of access privilege changes shall be maintained for a minimum of one year or at least equal to the agency's record retention policy – whichever is greater.

System Access Control

Access control mechanisms to enable access to CJI shall be restricted by object (e.g., data set, volumes, files, records) including the ability to read, write, or delete the objects. Access controls shall be in place and operational for all IT systems to:

- Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs. Agencies shall document the parameters of the operational business needs for multiple concurrent active sessions.
- Ensure that only authorized personnel can add, change, or remove component devices, dial-up connections, and remove or alter programs.

Access Control Criteria

Agencies shall control access to CJI based on one or more of the following:

- Job assignment or function (i.e., the role) of the user seeking access.
- Physical location.
- Logical location.
- Network addresses (e.g., users from sites within a given agency may be permitted greater access than those from outside).
- Time-of-day and day-of-week/month restrictions.

Access Control Mechanisms

When setting up access controls, agencies shall use one or more of the following mechanisms:

Access Control Lists (ACLs). ACLs are a register of users (including groups, machines, processes) who have been given permission to use a particular object (system resource) and the types of access they have been permitted.

Resource Restrictions. Access to specific functions is restricted by never allowing users to request information, functions, or other resources for which they do not have access. Three major types of resource restrictions are: menus, database views, and network devices.

- Encryption. Encrypted information can only be decrypted, and therefore read, by those possessing the appropriate cryptographic key. While encryption can provide strong access control, it is accompanied by the need for strong key management.

Unsuccessful Login Attempts

Where technically feasible, the system shall enforce a limit of no more than 5 consecutive invalid access attempts by a user. The system shall automatically lock the account/node for a 10-minute time period unless released by an administrator.

System Use Notification

The information system shall display an approved system use notification message, before granting access, informing potential users of various usages and monitoring rules. The system use notification message shall, at a minimum, provide the following information:

- The user is accessing a restricted information system.
- System usage may be monitored, recorded, and subject to audit.
- Unauthorized use of the system is prohibited and may be subject to criminal and/or civil penalties.
- Use of the system indicates consent to monitoring and recording.

The system use notification message shall provide appropriate privacy and security notices (based on associated privacy and security policies or summaries) and remain on the screen until the user acknowledges the notification and takes explicit actions to log on to the information system.
Privacy and security policies shall be consistent with applicable laws, executive orders, directives, policies, regulations, standards, and guidance. System use notification messages can be implemented in the form of warning banners displayed when individuals log in to the information system. For publicly accessible systems:

- the system use information is available and when appropriate, is displayed before granting access.
- any references to monitoring, recording, or auditing are in keeping with privacy accommodations for such systems that generally prohibit those activities; and
- the notice given to public users of the information system includes a description of the authorized uses of the system.

Session Lock

The information system shall prevent further access to the system by initiating a session lock after a maximum of 30 minutes of inactivity or less is desired by the TAC and LASO, and the session lock remains in effect until the user reestablishes access using appropriate identification and authentication procedures.

Remote Access

The agency shall authorize, monitor, and control all methods of remote access to the information system. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency-controlled network (e.g., the Internet).

The agency shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The agency shall control all remote accesses through managed access control points. The agency may permit remote access for privileged functions only for compelling operational needs but shall document the technical and administrative process for enabling remote access for privileged functions in the security plan for the information system.
Virtual escorting of privileged functions is permitted only when all the following conditions are met:

- The session shall be monitored at all times by an authorized escort
- The escort shall be familiar with the system/area in which the work is being performed.
- The escort shall have the ability to end the session at any time.

- The remote administrative personnel connection shall be via an encrypted (FIPS 140-2 certified) path.
- The remote administrative personnel shall be identified prior to access and authenticated prior to or during the session. This authentication may be accomplished prior to the session via an Advanced Authentication (AA) solution or during the session via active teleconference with the escort throughout the session.

Personally, Owned Information Systems

A personally owned information system shall not be authorized to access, process, store or transmit CJI.

Password Standards

Basic password standards, for user access to the Agency's Network that can contact CJI shall:

- Be a minimum length of eight (8) characters on all systems.
- Not be a dictionary word or proper name.
- Not be the same as the Userid.
- Expire within a maximum of 90 calendar days.
- Not be identical to the previous ten (10) passwords.
- Not be transmitted in the clear outside the secure location.
- Not be displayed when entered.

Advanced Authentication

Advanced Authentication Policy and Rationale

If the POC, TAC, or LASO is going to introduce new devices or changes to device or network connections, the **Advanced Authentication Decision** Tree in the DOJ CJIS Security Policy will be consulted to determine if Advanced Authentication should be used with the new device or network setting.

If Advanced Authentication (AA) is required, at least the minimum number of precautions will be taken to meet the AA requirement.

Identifier and Authenticator Management

The agency shall establish identifier and authenticator management processes, to access Tribal Police Network and Devices.

Identifier Management

Tribal network user identifiers, shall:

- Uniquely identify each user.
- Verify the identity of each user.

- Receive authorization to issue a user identifier from an appropriate agency official.
- Issue the user identifier to the intended party.
- Disable the user identifier after a specified period of inactivity.
- Archive user identifiers.

Least Functionality

The agency shall configure the application, service, or information system to provide only essential capabilities and shall specifically prohibit and/or restrict the use of specified functions, ports, protocols, and/or services.

Network Diagram

The Police Department shall ensure that a complete and current topological drawing depicting the interconnectivity of the agency network, to criminal justice information, systems, and services. The network topological drawing shall include the following:

- All communications paths, circuits, and other components used for the interconnection, beginning with the agency-owned system(s) and traversing through all interconnected systems to the agency end-point.
- The logical location of all components (e.g., firewalls, routers, switches, hubs, servers, encryption devices, and computer workstations). Individual workstations (clients) do not have to be shown; the number of clients is sufficient.
- "For Official Use Only" (FOUO) markings.
- The agency name and date the drawing was created or last updated.
- Any component requested by the TAC, POC, or LASO

Security of Configuration Documentation

The department shall protect the system documentation from unauthorized access, to protect the Network sensitive information.

Media Storage and Access

The Police Department shall securely store digital and physical media within physically secure locations or controlled areas. The agency shall restrict access to digital and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted.

Media Transport

The agency shall protect and control digital and physical media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel.

Digital Media during Transport

Digital media containing CJI will be protected either encryption or physical controls while in transport to help prevent compromise of the data.

Physical Media in Transit

Physical media shall be protected at the same level as the information would be protected in electronic form.

Digital Media Sanitization and Disposal

The agency shall sanitize, that is, overwrite at least three times or degauss digital media prior to disposal or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

Disposal of Physical Media

Physical media will be securely disposed of by authorized personnel. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

Physical Protection

A physically Secure Area shall:

- Post signs designating the secure area and access is controlled, at the boundary of the area.
- Ensure all employees working in that area have complete appropriate CJIS Security Awareness training.
- A roster must be maintained of who can be in that area unescorted. Anyone who has not completed the appropriate CJIS Security Awareness training must be escorted.
- Control access point to limit unauthorized access.
- Arrange Office Topography to ensure that those with appropriate CJIS Security Awareness training cannot see CJI.
- Control Physical access to information system distribution and transmission lines within the physically secure area.
- Information system devices will be approved by the LASO or TAC before entering or leaving the physically secure area.

Information Flow Enforcement

The LASO shall manage and control the internal network traffic between devices to prevent CJI to be transmitted unencrypted across public networks, to block unwanted traffic, and to enforce any Agency or Tribal network usage polices.

Boundary Protection

The TAC and LASO shall:

- Control access to networks processing CJI.
- Monitor and control communications at the external boundary of the information system and at key internal boundaries within the system.

- Ensure any connections to the Internet, other external networks, or information systems occur through controlled interfaces.
- Employ tools and techniques to monitor network events, detect attacks, and provide identification of unauthorized use.
- Ensure the operational failure of the boundary protection mechanisms do not result in any unauthorized release of information outside of the information system boundary (i.e. the device "fails closed" vs. "fails open").
- Allocate publicly accessible information system components (e.g. public Web servers) to separate sub networks with separate, network interfaces.
- Configure Boundary Protection to only allow TAC, and LASO permitted traffic to pass each Boundary.

Encryption

Encryption for CJI in Transit

When CJI is transmitted outside the boundary of the physically secure location, the data shall be immediately protected via encryption. When encryption is employed, the cryptographic module used shall be FIPS 140-2 certified to protect CJI.

Encryption for CJI at Rest

When CJI is at rest (i.e. stored digitally) outside the boundary of the physically secure location, the data shall be protected via encryption.

When agencies implement encryption on CJI at rest, the passphrase used to unlock the cipher shall meet the following requirements:

- Be at least 10 characters
- Not be a dictionary word.
- Include at least one (1) upper case letter, one (1) lower case letter, one (1) number, and one (1) special character.
- Be changed when previously authorized personnel no longer require access.
- Multiple files maintained in the same unencrypted folder shall have separate and distinct passphrases. A single passphrase may be used to encrypt an entire folder or disk containing multiple files.

Intrusion Detection Tools and Techniques

Intrusion detection systems deployed inside the network to monitor events against a desired set of parameters and make notification to the system of any event which violates any of those parameters.

Agency shall:

- Implement network-based and/or host-based intrusion detection or prevention tools.
- Maintain current intrusion detection or prevention signatures.
- Monitor inbound and outbound communications for unusual or unauthorized activities.
- Send individual intrusion detection logs to a central logging facility where correlation and analysis will be accomplished as a system wide intrusion detection effort.

- Review intrusion detection or prevention logs weekly or implement automated event notification.
- Employ automated tools to support near-real-time analysis of events in support of detecting system-level attacks.
- Any controls desired by the TAC, POC, and or LASO.

Voice over Internet Protocol (VoIP)

If VoIP is employed by one or more agencies, the following requirements shall be met:

- Establish usage restrictions and implementation guidance for VoIP technologies.
- Change the default administrative password on the IP phones and VoIP switches.
- Utilize Virtual Local Area Network (VLAN) technology to segment VoIP traffic from data traffic.
- Any controls desired by the TAC, POC, and or LASO.

Cloud Computing

- The storage of CJI, regardless of encryption status, shall only be permitted in cloud environments which reside within the physical boundaries of APB-member country (i.e. U.S., U.S. territories, Indian Tribes, and Canada).

Facsimile Transmission of CJI

CJI transmitted via a single or multi-function device over a standard telephone line is exempt from encryption requirements with the understanding that the confirmed recipient of the CJI has the appropriate CJIS Security Awareness Training.

Partitioning and or Virtualization

If Partitioning or Virtualization is being employed by systems that can access, contains, transmit, or store CJI, the following controls will be met:

- Isolate the host from the virtual machine.
- Virtual Machines that are Internet facing (web servers, portal servers, etc.) shall be physically separate from Virtual Machines (VMs) that process CJI internally or be separated by a virtual firewall.
- Encrypt CJI when stored in a virtualized environment where CJI is comingled with non-CJI or segregate and store unencrypted CJI within its own secure VM.
- Encrypt network traffic within the virtual environment.

System and Information Integrity Policy and Procedures

Patch Management

The POC, TAC, and LASO shall develop and implement a patching schedule for devices, components, and software operating in the network which can access, store, or transmit CJI.

Local policies should include such items as:

- Testing of appropriate patches before installation.
- Rollback capabilities when installing patches, updates, etc.
- Automatic updates without individual user intervention.
- Centralized patch management.
- Other Items Requested by POC, TAC, or LASO.

Patch requirements discovered during security assessments, continuous monitoring or incident response activities shall also be addressed expeditiously.

Malicious Code Protection

The Police Department shall implement malicious code protection that includes automatic updates for all systems with Internet access. Systems not connected to the Internet shall implement local procedures to ensure malicious code protection is kept current.

The Police Department shall employ virus protection mechanisms to detect and eradicate malicious code at critical points throughout the network and on all workstations, servers, and mobile computing devices on the network.

The Police Department shall ensure malicious code protection is enabled on critical points in any portion of the Tribal network that can access, contain, or transmit CJI.

Spam and Spyware Protection

The Police Department shall implement spam and spyware protection.

The Police Department shall:

- Employ spam protection mechanisms at critical information system entry points.
- Employ spyware protection at workstations, servers and mobile computing devices on the network.
- Use the spam and spyware protection mechanisms to detect and take appropriate action on unsolicited messages and spyware/adware, respectively, transported by electronic mail, electronic mail attachments, Internet accesses, removable media or other removable media as defined in this Policy.

Security Alerts and Advisories

The Police Department shall:

- Receive information system security alerts/advisories on a regular basis.
- Issue alerts/advisories to appropriate personnel.
- Document the types of actions to be taken in response to security alerts/advisories.
- Take appropriate actions in response.
- Employ automated mechanisms to make security alert and advisory information available throughout the agency as appropriate.

Information Input Restrictions

The agency shall restrict the information input to CJIS by authorized personnel only.

Triennial Compliance Audits by the FBI CJIS Division

Agencies with access to CJI will be audited, once every three (3) years as a minimum, to assess agency compliance with applicable CJIS, DOJ, Tribal, and Tribal Agency statutes, regulations, and policies.

Security Inquiries and Audits

CJA having access to CJI shall permit an inspection team to conduct an appropriate inquiry and audit of any alleged security violation.
Results, inquiries, and audits shall be reported to the Tribe POC, TAC, and LASO with findings and then appropriate remediations.

Personnel who require unescorted access to unencrypted CJI:

- Verify personnel with a fingerprint-based record checks shall be conducted prior to granting access to CJI for all personnel who have unescorted access to unencrypted CJI or unescorted access to physically secure locations or controlled areas.
    - When a person resides in a different state than that of the assigned agency, the agency shall conduct state (of the agency) and national fingerprint-based record checks and execute a NLETS CHRI IQ/FQ/AQ query using purpose code C, E, or J.
- When appropriate, the screening shall be consistent with:
    - Tribal Agency policy, regulations, and guidance.
    - If a record of any kind exists, access to CJI shall not be granted until the CSO or his/her designee reviews the matter to determine if access is appropriate.
    - If a felony conviction of any kind exists, the Interface Agency shall deny access to CJI.
        - However, the Police Department may ask for a review by the CSO in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.
    - Applicants with a record of misdemeanor offense(s) may be granted access if the CSO, or his or her designee, determines the nature or severity of the misdemeanor offense(s) do not warrant disqualification.
    - If the person appears to be a fugitive or has an arrest history without conviction, the CSO or his/her designee shall review the matter to determine if access to CJI is appropriate.
    - If the person already has access to CJI and is subsequently arrested and or convicted, continued access to CJI shall be determined by the CSO. This does not implicitly grant hiring/firing authority with the CSA, only the authority to grant access to CJI.
        - For offenses other than felonies, the CSO has the latitude to delegate continued access determinations to his or her designee.
- It is recommended individual background re-investigations be conducted every five years or less based upon BIA Policy.

Personnel Termination, Transfer, or Sanctions
The TAC and or LASO Shall:

- Immediately terminate access to local agency systems with access to CJI. Furthermore, the interface agency shall provide notification or other action to ensure access to state and other agency systems is terminated.
- Review CJI access authorizations when personnel are reassigned or transferred to other positions within the agency and initiate appropriate actions such as closing and establishing accounts and changing system access authorizations.
- Disable user accounts in JWIN/PsPortals/Pro Suite of personnel no longer active or employed in the Police Department.

The Police Department shall employ a formal sanctions process as outlined in Policy Sections 302.0 and 303.0 for personnel failing to comply with established information security policies and procedures set out by this policy.

Any violation by a user of these policies and procedures could result in denial of access to Applications, Network, or Physical Media that can access, store, or transmit CJI.

Repercussions and escalating admonishments of personnel for violation of policy not specifically mentioned in the DOJ CJIS Security Policy shall be in accordance with this policy.

Violation of policy specifically mentioned in the CJIS Security Policy will comply with the statement above will also be reported to the DOJ CSO at tribalacccess@usDOJ.gov, and/ or the Minnesota BCA Incident Security Officer within 24 hours of initial discovery. Upon notification the CSA reserves the right to investigate further if desired. Possible admonishment up to and including barring from access to CJI may be suggested by the DOJ or Minnesota BCA.

Mobile Devices

These requirements for mobile devices are in addition to other requirement in these policies. In most cases scenarios the Police Department will not use personal mobile devices to access CJI.

The Police Department shall:
- establish usage restrictions and implementation guidance for mobile devices; and
- authorize, monitor, control wireless access to the information system.

Wireless Communications Technologies

Wireless Protocols

FIPS 140-2 shall be used in setting the minimum wireless encryption strength.

The TAC or LASO shall ensure wireless access points that can access unencrypted CJI:
- Perform validation testing to ensure rogue APs (Access Points) do not exist in the 802.11 Wireless Local Area Network (WLAN).
- Maintain a complete inventory of all Access Points (APs) and wireless devices.
- Place APs in secured areas to prevent unauthorized physical access and user manipulation.
- Test AP range boundaries to determine the precise extent of the wireless coverage and design the AP wireless coverage to limit the coverage area to only what is needed for operational purposes.

- Enable user authentication and encryption mechanisms for the management interface of the AP.
- Ensure that all APs have strong administrative passwords and ensure that all passwords are changed in Tribal IT Policy and CJIS Security Policy.
- Ensure the reset function on APs is used only when needed and is only invoked by authorized personnel. Restore the APs to the latest security settings, when the reset functions are used, to ensure the factory default settings are not utilized.
- Change the default service set identifier (SSID) in the APs. Disable the broadcast SSID feature so that the client SSID must match that of the AP. Validate that the SSID character string does not contain any agency identifiable information (division, department, street, etc.) or services.
- Enable all security features of the wireless product, including the cryptographic authentication, firewall, and other available privacy features.
- Ensure that encryption key sizes are at least 128-bits and the default shared keys are replaced by unique keys.
- Ensure that the ad hoc mode has been disabled.
- Disable all nonessential management protocols on the APs.
- Ensure all management access and authentication occurs via FIPS compliant secure protocols (e.g. SFTP, HTTPS, SNMP over TLS, etc.). Disable non-FIPS compliant secure access to the management interface.
- Enable logging (if supported) and review the logs on a recurring basis per local policy. At a minimum log shall be reviewed monthly.
- Insulate, virtually (e.g. virtual local area network (VLAN) and ACLs) or physically (e.g. firewalls), the wireless network from the operational wired infrastructure. Limit access between wireless networks and the wired network to only operational needs.
- When disposing of access points that will no longer be used by the agency, clear access point configuration to prevent disclosure of network configuration, keys, passwords, etc.

Cellular Devices

Cellular Service Abroad

Before a Police Department Device can be used to access CJI while outside the boundaries of all areas of the United State of America, coordination will be made with tribalaccess@usDOJ.gov to ensure the proper security steps will be taken.

Voice Transmissions Over Cellular Devices

Cellular device used to transmit CJI via voice is exempt from the encryption and authentication requirements.

Bluetooth

IT Tribal security policy shall be used to dictate the use of Bluetooth and its associated devices based on the agency's operational and business needs.

Mobile Hotspots

When an agency allows mobile devices that are approved to access or store CJI to function as a Wi-Fi hotspot connecting to the Internet, they shall be configured to:

- Enable encryption on the hotspot.
- Change the hotspot's default SSID.
- Ensure the hotspot SSID does not identify the device make/model or agency ownership.
- Create a wireless network password (pre-shared key).
- Enable the hotspot's port filtering/blocking features if present.
- Only allow connections from agency-controlled devices.

A MDM (mobile device management) service may be used to provide any or all of the controls required above.

Mobile Device Management (MDM)

The Police Department shall implement the following controls when directly accessing CJI from devices running a limited-feature operating system:

- Ensure that CJI is only transferred between CJI authorized applications and storage areas of the device.
- MDM with centralized administration configured and implemented to perform at least the following controls:
    - Remote locking and or wiping of device.
    - Setting and locking device configuration.
    - Detection of "rooted" and "jailbroken" devices.
    - Enforcement of folder or disk level encryption.
    - Application of mandatory policy settings on the device.
    - Detection of unauthorized configurations.
    - Detection of unauthorized software or applications.
    - Ability to determine the location of Tribal controlled devices.
    - Prevention of unpatched devices from accessing CJI or CJI systems.
    - Automatic device wiping after a specified number of failed access attempts.

Wireless Device Risk Mitigations

The Police Department shall, at a minimum, ensure that wireless devices:

- Apply available critical patches and upgrades to the operating system as soon as they become available for the device and after necessary testing.
- Are configured for local device authentication.
- Use advanced authentication or CSO approved compensating controls.
- Encrypt all CJI resident on the device.
- Erase cached information, to include authenticators in applications, when session is terminated.
- Employ personal firewalls on full-featured operating system devices or run a MDM system that facilitates the ability to provide firewall services from the Tribal level.
- Employ malicious code protection on full-featured operating system devices or run a MDM system that facilitates the ability to provide anti-malware services from the Tribal level.

System Integrity

To meet MDM security requirements desired by the Police Department or LASO a third-party MDM service may be installed on Mobile Devices.

Patching/Updates

The TAC or LASO shall ensure the monitoring of mobile devices to ensure their patch and update state is current.

Malicious Code Protection of Smartphones and Tablets

The Police Department Smartphone and Tablets that can access CJI shall have configured MDM, that reports to a central Tribal Management of Devices, what applications are installed on devices, and if there are any unauthorized applications installed on that device.

Personal Firewall

A personal firewall shall be employed on all mobile devices that have a full-feature operating system. At a minimum, the personal firewall shall perform the following activities:

- Manage program access to the Internet.
- Block unsolicited requests to connect to the user device.
- Filter incoming traffic by IP address or protocol.
- Filter incoming traffic by destination ports.
- Maintain an IP traffic log.

If a Device which accesses CJI is unable to possess a firewall, it shall have applications configured on that device to emulate the functions of a firewall as able.

Local Device Authentication

When mobile devices are authorized for use in accessing CJI, local device authentication shall be used to unlock the device for use.

Advanced Authentication

When accessing CJI from an authorized mobile device, advanced authentication shall be used by the authorized user unless the access to CJI is indirect. Indirect access is where there is no capability to conduct transactions. The DOJ CSO at tribalaccess@usDOJ.gov maintains the final determination of whether a specific access is considered indirect.

Device Certificates

A device certificate alone placed on the device shall not be considered valid proof that the device is being operated by an authorized user.

When certificates or cryptographic keys used to authenticate a mobile device are used in lieu of compensating controls for advanced authentication, the mobile device shall be:

- Protected against being extracted from the device.

- Configured for remote wipe on demand or self-deletion based on several unsuccessful login or access attempts.
- Configured to use a secure authenticator (i.e. password, PIN) to unlock the key for use.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 373.0

EFFECTIVE DATE: August 21, 2025 REVISED:

SUBJECT: CRIMINAL JUSTICE INFORMATION (CJI/CJIS)

PURPOSE

Agencies that enter records into MNHOT/NCIC must be available for Hit Confirmation 24 hours a day, 365 days a year. If unavailable, the agency must identify who will be providing Hit Confirmation services on their behalf by placing instructions in the Miscellaneous (MIS) field of the hot file record.

DEFINITIONS

A "hit' is a positive response from MNHOT and/or NCIC in which the person or property queried appears to match the person or property in the response.

PROCESS

NCIC policy requires an agency receiving a hit on another agency's record to contact the record-holding agency to confirm that the record is active. If the property or subject is confirmed, a locate shall be entered by the locating agency. For a Wanted Person Records, a Detainer shall by entered by the wanting agency.

HIT CONFIRMATION PROCEDURE

1. Retain a copy of the hit, either an electronic or hard copy.
2. Ensure the subject or property is still outstanding.
    a. For wanted person, the location of the wanted person is within the extradition limits on the record.
3. Confirm the hit with the originating agency using message key YQ.
    a. RNO – Request Number. Enter 1, 2, or 3 to indicate the number of times the request has been sent.
        i. For the first request, enter 1.
        ii. If an agency fails to respond within the specified time (10 minutes or 1 hour), send a second request, entering 2 in the RNO field. A copy of the 2nd request is automatically sent to the BCA.
        iii. If an agency fails to respond to the second request, a third request shall be sent, entering 3 in the RNO field. A copy of the 3rd request is automatically sent to the BCA, as well as NCIC.

    b. PRI – Priority. The agency requesting confirmation of a hit must determine the appropriate response time.
        i. URGENT (10 minute response): when the hit is the only basis for detaining a suspect or the nature of a case requires urgent confirmation.
        ii. ROUTINE (1 hour response): when a person is held on local charges, property has been located under circumstance when immediate action is not necessary or an urgency confirmation is not required

4. If the originating agency indicates that the hit is not active, notify the requesting person to not arrest the subject or recover the property.

HIT CONFIRMATION RESPONSE

1. Retain a copy of the confirmation request, either electronic or hard copy.
2. Confirm the request priority and respond within the corresponding time allowed.
3. Check the case file to determine if the person's whereabouts remains unknown or property is still missing.
4. Use message key YR to respond.
    a. CON – Confirmation Status. Enter one of the following codes:
        i. Y – Yes, entry is valid.
        ii. N – No, entry is no longer valid
        iii. P – In process of being confirmed.
        iv. E – Valid, but awaiting decision on extradition.

5. If the originating agency confirms that the hit is still active and the subject was arrested or property recovered, the recovering agency shall enter a locate on the record.
6. Retain a hard or electronic copy of the confirmation and the locate documentation.

DOCUMENTATION OF THE HIT CONFIRMATION PROCESS

All hit confirmations shall be retained in the case file. Documentation of the confirmed hit is essential and may assist in the event that the agency needs to substantiate the action(s) taken pertaining to a hit confirmation.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 374.0

EFFECTIVE DATE: August 21, 2025 REVISED:

SUBJECT: IDENTITY THEFT ENTRIES

PROCESS

Before entry in the Identity Theft File, our law enforcement agency must have received and recorded an official complaint (electronic or hard copy). Our agency may make an NCIC Identity Theft record entry only if the following criteria is met:

1. Someone is using a means of identification of the victim.

2. The victim's identity is being used without permission from the victim.

3. The victim's identity is being used or intended to be used to commit an unlawful activity.

4. Before record entry, the victim must sign a consent waiver.

5. If the record contains the victim's Social Security Number, the victim must sign the "*Notice about Providing Your Social Security Number*" form.

Information on deceased persons may be entered into the file if it is deemed by the law enforcement that the victim's information has been stolen. No consent form is required with a deceased person's entry.

FILE ENTRY

1. Enter and pack the record with all available information into MNHOT/NCIC using Message Key Enter Identity Theft (EID).

2. Query MNHOT/NCIC to verify entry and retain a copy for the case file.

3. Complete a second party check per agency policy.

4. Validate the record according to NCIC standards. Retain any updated documentation used during validation in the case file.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 375.0

EFFECTIVE DATE: August 21, 2025 REVISED:

SUBJECT: MISSING PERSON ENTRIES

MISSING PERSON REPORT RESPONSIBILITY

A law enforcement agency shall accept any report of a missing person without delay. The law enforcement agency shall not refuse to accept a missing person report on any basis stated in Minnesota State Statute § 299C.53. If there is a jurisdiction question, contact the BCA following the entry of the missing person.

CRITERIA FOR ENTRY

The agency must have a missing person report (electronic or hard copy) on file to support the missing person entry. A missing person record may be entered using one of the following categories:

- **Disability (MKE/EMD)**: a person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting him/herself or others to personal and immediate danger.
- **Endangered (MKE/EME)**: a person of any age who is missing under circumstances indicating that his/her physical safety may be in danger.
- **Involuntary (MKE/EMI)**: a person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping.
- **Juvenile (MKE/EMJ)**: a person who is missing and not declared emancipated as defined by the laws of his/her state of residence and does not meet any of the entry criteria outlined in 1, 2, 3, or 5.
- **Catastrophe Victim (MKE/EMV)**: a person of any age who is missing after a catastrophe.
- **Other (MKE/EMO)**: a person not meeting the criteria for entry in any other category who is missing and 1) for whom there is a reasonable concern for his/her safety or 2) a person who is under age 21 and declared emancipated by the laws of his/her state of residence.

MISSING PERSON RECORD ENTRY

1. Missing persons (age 21 and over) shall be entered into NCIC, upon receipt of the report, not to exceed three days.
    a. The agency must have a missing person report (electronic or hard copy) on file to support a missing person entry.
    b. The record for a missing person age 21 and over must have a signed document (catastrophe victims are exempt) supporting the stated conditions under which the person is declared missing
        i. Forms of acceptable signatures are:
            1. Digitized signatures (similar to method used by the United States Postal Service).
            2. Scanned signatures in the RMS.
            3. The case officer's typed or signed name in the report.

2. A person under the age of 21, and individuals determined to be endangered, shall be entered into NCIC within two hours of receipt of the minimum data required. The case file shall document when the two-hour clock began.

a. The missing person report filed with the agency is sufficient documentation for entering a juvenile in the NCIC Missing Person File.

ENTRY REQUIREMENTS FOR *ALL* MISSING PERSON RECORDS

1. Query DVS, III/CHS criminal history, and local records to obtain additional descriptors and retain a copy in the case file.
    a. Any information entered on the record shall be documented in the case file, including attempts to obtain medical/dental information.

2. Enter the record in MNHOT/NCIC using the appropriate message key. Make sure to pack the record with all the information available.

3. When applicable, caution the record using the appropriate caution indicator(s).

4. Enter Supplemental Data such as additional identifiers, scars, marks and tattoos, aliases, additional dates of birth, etc., to the record.

5. The agency may enter an image using the message key EIM if an image is available.
    a. The use of a DVS image is available for this purpose.

6. Query MNHOT/NCIC to verify entry and retain a copy in the case file.

7. Complete a second party check per agency policy.

8. If a record remains active for more than 30 days and a data field remains blank, a $.K. Missing Information Notification will be sent to the receiving terminal of the ORI of the record.
    a. Verify and update the record with the additional information, including but not limited to Blood Type (BLT); Dental Characteristics (DCH); Fingerprint Classification (FPC); Jewelry Type (JWT); and Scars, Marks, Tattoos, and Other Characteristics (SMT) within 60 days of entry.
    b. If no medical/dental information can be obtained, document the attempt in the case file.

9. Validate the record according to NCIC standards. Retain any updated documentation used during validation in the case file.

10. Following a confirmed Hit Confirmation, a locate shall be placed on the record using Message Key Locate Missing (LM).
    a. Do not enter a locate on a child removed from the United States and located in another country until the child has been returned or the issue of return has been resolved.
    b. Completing a locate automatically retires the missing person record.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 376.0

EFFECTIVE DATE: August 21, 2025 REVISED:

SUBJECT: MISUSE OF CJDN

The Criminal Justice Data Communications Network (CJDN) is a secure computer network to access federal, state, and out-of-state files for criminal justice and authorized non-criminal justice purposes.

Queries of the motor vehicle registration, driver's license, criminal history, or any other file in the BCA/FBI systems shall be performed only for authorized criminal justice purposes.

Employees of Mille Lacs Band Tribal Police Department shall not run themselves, other employees, family, or others for personal use or gain in the BCA/FBI systems. Any employee misusing information or obtaining information for other than official criminal justice purposes from the CJDN will be subject to disciplinary action.

When performing any file queries or making entries into BCA/FBI systems, employees shall securely store and protect criminal justice information (CJI).

Employees shall also ensure authorized dissemination and use. The employee disseminating the CJI shall ensure that the person requesting the information is authorized to receive the data. Unauthorized request or receipt of BCA or FBI data could result in criminal proceedings.

When the Chief Law Enforcement Officer (CLEO) or the Terminal Agency Coordinator (TAC) becomes aware a Mille Lacs Tribal Police employee has accessed the CJDN or used CJI obtained from the CJDN in violation of agency, state, or FBI policies, the CLEO or TAC shall promptly address the violation.

The CLEO shall meet with the alleged violator and determine appropriate sanctions according to Mille Lacs Band Tribal Police Department standard discipline policy, including but not limited to verbal reprimand, written reprimand, suspension, or termination. The BCA must be notified immediately of misuse. If criminal behavior is believed to have occurred, appropriate agencies shall be notified for further investigation.

Each case of misuse of the CJDN system will be investigated, with all circumstances considered to determine disciplinary actions. Consideration will be given to the extent of loss or injury to the system, agency, or other persons upon releasing or disclosing sensitive or classified information to an unauthorized individual. Misuse also includes activities that result in unauthorized modification or destruction of system data, loss of computer system access, or loss by theft of any computer system media, including chip ROM memory, optical or magnetic storage medium, hardcopy printout, etc.

With the CLEO's approval, the TAC may terminate an employee's access to the CJDN system for any violation.

I have read and understand the **"Misuse of CJDN SOP"** for Mille Lacs Band Tribal Police Department.

_____ _____

Signature Date

_____

Printed Name

The signed policy will be retained by the agency.

_____ _____

Signature of CLEO Date

_____

Printed Name of CLEO

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 377.0

EFFECTIVE DATE: August 21, 2025 REVISED:

SUBJECT: VALIDATION OF RECORDS

Validation requires the record-holding agency to confirm that the hot file record is complete, accurate, and still outstanding or active.

The record-holding agency shall validate all hot file records except for Article File records. Per the NCIC schedule, validations occur 60-90 days from entry and yearly thereafter.

VALIDATION PROCEDURE

1. Contact the complainant, victim, prosecutor, or court to ensure the record should remain active.

2. Remove any record from the MNHOT/NCIC that is no longer active.

3. Query DVS, III/CHS criminal history, and local records (RMS) to check for additional or updated data.

4. Compare the record against the new supporting documentation to ensure:
   a. Data is accurate.

   b. The record contains all available information in the case files and/or from the data sources.

5. Update records as needed when:
   a. Agency-related information, such as extradition limits or hit confirmation, and/or contact information is modified.

   b. New or additional information becomes available.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 378.0

EFFECTIVE DATE: August 21, 2025 REVISED:

SUBJECT: SECOND PARTY CHECKS

A second party check is required for all hot file record entries and modifications. Second party check is when someone other than the person entering the record checks the record for accuracy and completeness.

SECOND PARY CHECK PROCEDURE

1. Ensure all available sources such as DVS, III/CHS criminal history and local records were queried to obtain descriptors. Verify records queried were stored in the case file.

2. Query the record to obtain a copy of the active MNHOT/NCIC entry.

3. Compare the information from the sources against the active MNHOT/NCIC record to verify the record is accurate and complete.

4. Update to the record as needed using either the modify or supplemental message key associated with the record type.

5. Document the second party check was completed in the case file. Documentation may be physically initialing in the case file or electronically noting it in the RMS.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 379.0

EFFECTIVE DATE: August 21, 2025 REVISED:

SUBJECT: PROPERTY RECORDS ENTRY

VEHICLE FILE ENTRY

1. Obtain a theft report, which shall include a serial number (SER) or owner applied number (OAN).
2. Query the vehicle registration in its registration state and store the response in the case file.
3. Enter the record using message key Enter Stolen Vehicle (EV).
4. Pack the record with all available information. Store supporting documentation in the case file.
5. Complete a second party check per agency policy.
6. Validate the record according to NCIC standards. Retain any updated documentation used during validation in the case file.

ARTICLES, BOATS, GUNS AND SECURITY FILE ENTRY

1. Obtain a theft report, which shall include a serial number (SER) or owner applied number (OAN).
2. If entering a boat, query the boat's registration in its registration state and store the response in the case file.
3. Enter the record using the appropriate message key. (Boats and securities will only be entered into NCIC.)
4. Pack the record with all available information. Store supporting documentation in the case file.
5. Complete a second party check per agency policy.
6. Validate the record according to NCIC standards. Retain any updated documentation used during validation in the case file.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 380.0

EFFECTIVE DATE: SEPTEMBER 1, 2025 REVISED:

SUBJECT: ARMER RADIO TRAFFIC ENCRYPTION

PURPOSE

FBI Criminal Justice Information Services (CJIS) Security Policy requirements for encrypting radio traffic that contains FBI criminal justice information (CJI) while maintaining a high level of interoperability for radio communications to protect the safety of responders. The FBI encryption requirement applies only if FBI CJI is being communicated. It does not require that a law enforcement main or county main be encrypted. It may require that LE agencies use an alternate talk-group or other means of transmitting CJI.

WHAT IS CONSIDERED FBI CJI

The FBI defines CJI as data from FBI CJIS systems that are necessary for law enforcement and civil agencies to perform their missions including, but not limited to, the following data: biometrics, identity history, biographic, property, and case/incident history. This includes data from the FBI's Interstate Identification Index (III), which is criminal history or biometric data, and the National Crime Information Center (NCIC), which includes hot files such as Wanted Person File, Vehicle File, Missing Person File, etc. This requirement does not apply to data generated from local agency systems. It also does not include data from BCA systems, unless that data originated from an FBI CJIS system. Common Driver's license checks and vehicle registration checks from in-state MN are considered BCA data.

REQUIREMENTS

The following files from NCIC may only be transmitted via encrypted talk-groups: Gang File, Known or Appropriately Suspected Terrorist File, Convicted Persons on Supervised Release File, National Sex Offender Registry, Historical Protection Order File, Identity Theft File, Protective Interest File, Missing Person File, Violent Person File, NICS Denied Transaction File, Immigration Violator File, Originating Agency Identifier (ORI) File, Interstate Identification Index (III) File, Article File, Gun File, Boat File, Securities File, Vehicle File, Vehicle/Boat Pat File, Image File, License Plate File, Unidentified Person File, Foreign Fugitive File and Wanted Person File. The requirement also applies to information from BCA systems that contain or may contain FBI CJI, such as the Automated License Plate Reader (ALPR) Data File, Domestic Abuse No Contact Orders (DANCO), Orders for Protection (OFP), Harassment Restraining Orders (HRO), Keep Our Police Safe (KOPS) files, Predatory Offender Registry Electronic Submission (POR ES), Criminal History System (CHS), and the POR Law Enforcement (POR LE) website.

PROCEDURE

- TPDCC Dispatch and Sworn Law Enforcement Officers have access to TCML-Law 2E, an alternative communication talk group owned and operated by the Mille Lacs Band Tribal Police which is currently (DES Encrypted).
- All required FBI-CJI protected data is required to be communicated in an encrypted manner when the data is transmitted outside a physically secure location (Police Department).
- When "Tribal" Dispatch is going to broadcast sensitive FBI-CJI data, Dispatch will request Officers to switch to TCML-LAW2E talk-group. Dispatch and Officers will communicate this data via TCML-Law2E.
- When FBI-CJI transmissions are complete and no further FBI-CJI data is broadcasted, Dispatch can advise Officers to return to TCML-LAW 1 Tribal Main for normal radio traffic.

EXEMPTIONS

- Nothing in this Standard Operating Procedure will prohibit or bring disciplinary measures to Officers or Dispatchers from communicating FBI-CJI in an emergency situation or Officer Safety considerations.
- Nothing in this Standard Operating Procedure will prohibit Dispatchers and Officers from utilizing TCML-LAW2E or other MLTPD talk-groups to preform covert operations or protect sensitive calls for service when radio traffic may be intercepted by the general public.

Mille Lacs Band Police Department
Operations Manual

Effective - October 1, 1997
Updated – July, 10, 2026

Mille Lacs Band Police Department
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Onamia, MN 56359
(320) 532-3430

BY ORDER OF: _____

James G. West
Chief of Police

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 emergency

  A 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

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 _____