

Buhl Police Department

Buhl PD ID Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

I know that I alone am responsible for my own standard of professional performance and will take every reasonable

Law Enforcement Code of Ethics

opportunity to enhance and improve my level of knowledge and competence.

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

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BUHL POLICE DEPARTMENT MISSION STATEMENT

The mission of the Buhl Police Department is to enhance the quality of life in the City of Buhl by entering into a partnership with the community to provide a safe environment and reduce the fear of crime and to serve our citizens within the framework of the United States Constitution and the Constitution and laws of the State of Idaho.

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VALUE STATEMENT OF THE BUHL POLICE DEPARTMENT

VALUE STATEMENT OF THE BUHL POLICE DEPARTMENT

The Buhl Police Department has established a set of values that are foundational to the operation of the organization. These values represent the shared, fundamental principles from which every policy and procedure is derived and they permeate every facet of the Department's operation.

The ability, therefore, to articulate these values, as well as each member's personal commitment to them, contributes to the overall success of the organization and of the individual employee.

Because we are proud of our chosen Profession, Department, City, and Work, the values to which we subscribe can be articulated as **PRIDE**:

Professionalism Respect Integrity Dignity Excellence

PROFESSIONALISM

- Honesty: We hold ourselves accountable for our words and our actions
- Attitude: We are knowledgeable, confident, positive, and optimistic
- Appearance: We maintain a professional demeanor
- Conduct: We value a strong work ethic to fulfill all of our responsibilities

RESPECT

- Teamwork: We strive for unity and understanding
- Authority: We recognize and value the public's trust to uphold constitutional rights and never abuse our authority
- Golden Rule: We will remain unbiased in our approach to providing public safety services
- Interaction: We will maintain a courteous comportsment with everyone we encounter

INTEGRITY

- Integrity: We take pride in our actions
- Courage: We always strive to do the right thing
- Considerate: We are genuine with everyone we interact with
- Standards: We hold ourselves to the highest standards
- Honor: We always uphold our Oath of Officer and the Law Enforcement Code of Ethics
- Trust: We will be trustworthy and lead by example

DIGNITY

- Commitment: We will foster a supportive culture
- Perseverance: We will remain reliable, loyal and optimistic
- Judgment: We acknowledge the individual worth of everyone
- Dedication: We are committed and dedicated to the mission and principles of the Buhl Police Department and the Law Enforcement Profession

Value Statement of the Buhl Police Department

Excellence

- Connection: We strive to make positive connections with others through active listening and positive/constructive engagement
- Collaborate: We strive for positive engagement to promote, encourage, and cultivate meaningful relationships
- Stewardship: We are good and faithful stewards in all aspects of the public's trust
- Service: We consistently strive to be the standard for quality

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BUHL POLICE DEPARTMENT LAW ENFORCEMENT MANUAL

CHIEF'S PREFACE

The men and women of the Buhl Police Department aspire to provide exceptional community service to the citizens of Berkeley. The character and responsibilities surrounding the law enforcement field requires that all personnel be given specific and consistent instructions to execute their duties and obligations. This manual is designed to provide each member a working guide to follow to aid in the requirements of their duties. While sworn and non-sworn personnel are responsible for making discretionary decisions, we are all bound by law and standards to be fair, consistent, impartial and professional. The policies, procedures, and rules set forth in this manual are a guide to the exercise of discretion and execution of duty.

The system of policy and procedure outlined in this manual reflects basic departmental functions in the major operational and administrative areas. These systems are provided to establish a format for a methodical approach to achieving Department goals and objectives. Policies and procedures are designed to support a clear understanding of the constraints and limitations allowed under law and to convey the Department's expectations of work performance.

This manual is a tool to be used to supplement individual training and experience and is not intended to discourage employee initiative. It will not encompass every situation encountered by a member, so judicious exercise of discretion may be required.

All personnel are required to be familiar with the directives in this manual and, when necessary, seek guidance and clarification from a supervisor. Members are encouraged to submit recommendations for constructive changes to improve the Department's efficiency and effectiveness. This manual will be updated as necessary to reflect changes in the law, personnel responsibilities, and Department goals and objectives.

Disclaimer: The policies, procedures, and rules expressed in this manual are for Departmental use only and do not apply in any criminal or civil proceeding. Any policy, procedure, and/or rule shall not be construed as a higher legal standard of care or safety in an evidentiary sense with respect to third-party claims. When a conflict occurs in any directive in this manual with Federal laws, State Statutes, City Ordinances or City Personnel Policies, the existing Federal law, State Statute, City Ordinance or City Personnel Policy will supersede the directive in conflict.

Jeremy Engbaum

Chief of Police

Buhl Police Department

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.1.1 OATH OF OFFICE

All law enforcement officers, prior to assuming sworn status and commencing the duties of their position, shall take, subscribe to, and subsequently abide by an oath to uphold and defend the United States Constitution and the Constitution of the State of Idaho; and enforce the laws and ordinances of the City of Buhl.

100.2 PEACE OFFICER AUTHORITY

The authority of certified full-time peace officers of the Buhl Police Department whose duties include and primarily consist of the prevention, investigation and detection of crime have the same authority when performing their assigned functions and duties outside the City when any of the following exist (Idaho Code 67-2337):

- (a) When a request for law enforcement assistance is made by another law enforcement agency.
- (b) When the officer has probable cause to believe a crime is occurring involving a felony or an immediate threat of serious bodily injury or death to any person.
- (c) When the officer is in fresh pursuit as defined in and pursuant to Chapter 7, Title 19, Idaho Code.
- (d) As authorized by this department pursuant to an existing mutual assistance compact with an outside jurisdiction.

Officers of this department will not routinely perform law enforcement duties outside of the City limits except as approved by the Sergeant.

100.2.1 PEACE OFFICER POWERS OF ARREST

An officer may make an arrest in obedience to a warrant, or may, without a warrant, make an arrest under any of the following circumstances (Idaho Code 19-603):

- A. For a public offense committed or attempted in his/her presence.
- B. When probable cause exists to believe that a person has committed a felony not in his/her presence.
- C. When a felony has in fact been committed and he/she has reasonable cause for believing the person arrested to have committed it.
- D. On a charge made, upon a reasonable cause, of the commission of a felony by the party arrested.
- E. At night, when there is reasonable cause that the suspect has committed a felony.

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- F. When upon immediate response to a report of a commission of any misdemeanor crime, the officer must witness the commission of the the violation or obtain an arrest warrant prior to making a physical arrest. In the event a citizen wishes to make a citizen's arrest, the officer should take into consideration the probable cause to believe the alleged misdemeanor crime was committed by the suspect, the availability to secure an arrest warrant, the threat posed by the suspect to others if the suspect is not immediately taken into custody. Whenever a physical arrest for a misdemeanor crime is necessary, the officer shall first seek to obtain an arrest warrant before allowing for a citizen's arrest to occur.
- G. Where there is reasonable cause to believe, based upon physical evidence observed by the officer or statements made in the presence of the officer upon immediate response to a report of a commission of a crime aboard an aircraft, that the person arrested had committed such a crime.

100.3 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Idaho Constitutions.

100.4 ABUSE OF AUTHORITY

The first duty of a law enforcement officer, in upholding of the law, is to know its bounds upon enforcing it. A law enforcement officer must instill respect for laws and police service. He shall never be overbearing, subservient, nor abuse his authority in any way. Members of this department shall not use their official position, identification or badge:

- (a) For personal or financial gain.
- (b) For obtaining privileges not otherwise available to them.
- (c) For avoiding the consequences of illegal acts.

100.5 POLICY

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

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

100.6 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding, or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters the following states while in pursuit of a person who the officer has probable cause to believe has committed a felony:
 - 1. Utah (Utah Code 77-9-1)

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2. Nevada (NRS 171.158)
 3. Oregon (ORS 133.430)
- (c) When an officer enters Montana while in pursuit of a person who the pursuing officer has probable cause to believe committed a crime (§ 46-6-411, MCA).
- (d) When an officer enters Washington while in pursuit of a person who the pursuing officer has probable cause to believe has committed a felony; or a violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired, or reckless driving (RCW 10.89.010).

Whenever an officer makes an arrest in Montana, Utah, Nevada, Oregon, or Washington, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Utah Code 77-9-2; NRS 171.158; ORS 133.440; § 46-6-411, MCA; RCW 10.89.020).

Chief Executive Officer

101.1 PURPOSE AND SCOPE

This policy provides guidelines for the appointment of the Chief Executive Officer of the Buhl Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 POLICY

It is the policy of the Buhl Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE

All law enforcement Chief Executive Officers employed within the State of Idaho are required to meet Idaho Peace Officer Standards and Training Council (POST) certification requirements within the prescribed time periods (Idaho Code 19-5109; Idaho Code 20-603).

101.4 TRAINING

Any person appointed to head the Buhl Police Department as a first time Chief, unless previously certified as a Chief of police, peace officer or detention deputy, shall complete all required training and tutorial required training and tutorial requirements established by POST and the Idaho Sheriff's Association (Idaho Code 34-618 (5)).

Policy Manual

102.1 PURPOSE AND SCOPE

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

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

102.2 POLICY

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

102.2.1 DISCLAIMER

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

102.3 AUTHORITY

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

102.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

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City - The City of Buhl.

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

Department/BPD - The Buhl Police Department.

Employee/personnel - Any person employed by the Department.

IDAPA - Idaho Administrative Procedure Act (Example: IDAPA 16.02.24.110).

ITD - The Idaho Transportation Department.

Juvenile - Any person under the age of 18 years.

Manual - The Buhl Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

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

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

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

POST - The Idaho Peace Officer Standards and Training Council.

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

102.5 ISSUING THE POLICY MANUAL

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

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

102.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

102.7 REVISIONS TO POLICIES

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

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

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

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

102.8 LEGAL REVIEW

The adoption of General Orders, directives, and other types of formal communication shall be adopted in the same manner as the Policies and Procedures of this manual and, when appropriate, shall undergo a review by the City of Buhl Legal council.

Member Conduct

103.1 CONDUCT THAT MAY RESULT IN DISCIPLINE

The continued employment of every member shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines of this Policy Manual, whether on or off duty, may be cause for disciplinary action. Members shall conduct themselves in accordance with the Constitution of the United States and all applicable laws, ordinances and rules enacted or established pursuant to legal authority, including city Personnel Policy, such as Rules of Employee Conduct, Section III pg. 11.

103.1.1 CODE OF ETHICS

Sworn members shall follow the Law Enforcement Code of Ethics as outlined in this Policy Manual.

103.1.2 CONDUCT UNBECOMING

All members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming shall include that which brings disrepute or discredit upon the department or any members, or that which impairs the operation of efficiency of the department or member.

Conduct unbecoming shall also include, but not be limited to the following actions and attitudes:

- (a) Refusal to work, engaging in strike, work stoppage or slowdown.
- (b) Untruthfulness, insubordination, or incompetence.
- (c) Discourteous, disrespectful or discriminatory treatment of any person, including other members of this department.
- (d) Immoral behavior or sexual misconduct, including engaging in sexual activity on Duty. ("On Duty" means any time a member is being paid by the City of Buhl, which would include paid lunch breaks)
- (e) Dereliction of neglect of duty.
- (f) Abuse of sick leave
- (g) Criminal conduct, including engaging in any act amounting to a crime.
- (h) Interference with investigations.
- (i) Public drunkenness, disorderly or offensive conduct.
- (j) Consumption of alcohol on duty (unless as part of a job assignment).
- (k) Reckless disregard of private debts.
- (l) Personal association with (unless as part of a job assignment or because of family relations):
 - 1. Convicted felons
 - 2. Members of a criminal gang, organized crime or criminal syndicate.

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Member Conduct

3. A terrorist group, movement, association or other person(s) which advocates the overthrow of our constitutional form of government by any means other than the democratic procedures provided by our present form of government.
 4. Any organization, association, group or movement which advocates acts of force or violence, or denies other persons their rights under the Constitution of the United States by unconstitutional means.
- (m) Knowingly associate with any person currently being investigated for and/or charged with a felony by this department until such case has been closed, dismissed or prosecuted (unless as part of a job assignment or because of family relations).
 - (n) Establishing a personal or social relationship, as a result of an investigation or on duty contact, with a know victim, witness, suspect or defendant of any case being investigated by this department until such case has been closed, dismissed or prosecuted.
 - (o) Conduct which adversely affects the morale or efficiency of this department or unit to which they are assigned.
 - (p) Derogatory criticism, disparaging remarks, conduct or gossip concerning the department or any member to the extent such conduct disrupts the efficiency of the department or discredits any member.
 - (q) Excessive force against a person arrested or detained, or failing to report any excessive use of force by another member.
 - (r) Use of obscene, indecent, profane or derogatory language while on duty or in uniform which could be offensive to another member or citizen.
 - (s) Initiation of any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
 - (t) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
 - (u) Engaging in "horseplay" which reasonably could result in injury or property damage.
 - (v) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
 - (w) Failure to promptly and fully report the activities of any member, including themselves, where such activities resulted in contact with any other law enforcement agency that could result in criminal charges or discipline.
 - (x) Using or disclosing status as a member of this department in any way which could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
 - (y) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with this department for personal or financial gain without written authorization of the Chief of Police or his designee.

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- (z) Being untruthful or knowingly make false, misleading or malicious statements that are reasonable calculated to harm the reputation of the departments or its members.
- (aa) Knowingly falsify any work-related records or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record.
- (ab) Knowingly falsify any official police report or intentionally provide any false statements to a supervisor or investigator.
- (ac) Any other on or off duty conduct which the member knows, or reasonably should know, is unbecoming a member of the department or which could reflect unfavorably upon the department or any of its members.

103.1.3 CONFORMANCE TO LAWS & VIOLATION OF RULES

Members shall obey all laws of the United States and of any state and local jurisdiction in which the members are present. A conviction of the violation of any law shall be prima facie evidence of a violation of this section and may be subject the member of disciplinary action.

Members shall not commit any acts which constitute a violation of any provision of the department policy manual and/or City personnel Manual, or any of the rules, regulations, directives or orders (i.e. general orders, special orders, memos) of the department, whether stated in this Policy Manual or elsewhere.

103.1.4 COMPLIANCE WITH LAWFUL ORDERS

Subordinate members shall comply with lawful directives and orders from a department supervisor unless reasonably justified otherwise.

Any member who believes any written or verbal order or directive to be in conflict with any policy, procedure, law or criminal procedure shall:

- (a) Immediately inform the supervisor issuing the order about the member's conflict or perceived error of the order.
- (b) Request clarification, guidance and direction regarding following the order.
- (c) Provide details explaining grounds for the belief of the perceived error of the order.
- (d) Should the conflict or perceived error be unresolved, and absent any exigent circumstances, request the order be in writing.
- (e) Respectfully inform the supervisor if he intends to disobey what he believes to be a conflicting or unlawful order.

103.1.5 USE OF ALCOHOL ON DUTY

No member shall be on duty or appear for duty while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on his/her breath. Members shall not consume intoxicating beverages while on duty or while wearing any part of the uniform which is identifiable as belonging to a member of the department, except in the performance of a required job duty.

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103.1.6 USE OF ALCOHOL OFF DUTY

Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it renders members unfit to report for their next scheduled shift.

103.1.7 POSSESSION AND USE OF DRUGS

Members shall not possess or use any controlled substance, narcotic or hallucinogen except when prescribed in the treatment of the member by a licensed medical professional. When such items are prescribed, and a doctor has advised that the prescription would impair their ability to perform the duties of their employment, members shall immediately notify their immediate supervisor who shall in turn notify the Lieutenant or the Chief of Police in writing as soon as practical.

The notification shall be made at least two (2) hours prior to the start of the member's shift. If it is determined that a prescription drug is not compatible with the member's assigned duties, an attempt will be made to place the member at duties that will be compatible. If no duties can be assigned, the person will be placed on sick leave.

In the event a member notifies a supervisor that they are taking a prescription in which the prescription interaction will be unknown and may adversely effect their job performance, their safety or the safety of other, they will be placed on sick leave until the first opportunity to determine the drug effect on their work performance.

103.1.8 NEIGHBORHOOD DISPUTES

Members shall not intentionally become involved in neighborhood quarrels or disputes at or near their place of residence while identifying themselves as a department member if an off duty capacity. This shall not be construed to restrict a member from taking off duty emergency action.

103.1.9 GIFTS AND FAVORS

The members of the department, representing, bear the heavy responsibility of maintaining their own conduct the honor and integrity of all government institutions.

Members shall therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

Whit that being said, it is understood that there will times that situations arise where it may be unavoidable for a member to not accept a small gratuity, (i.e. a citizen purchase the member a cup of coffee or lunch). An additional exception to this policy would apply to offers of discounted services only if they apply to all City of Buhl employees or to other law enforcement agencies, and solely offered to this department or to only certain members of the department.

103.1.10 SECURITY

Members shall not:

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- Intentionally release confidential information, materials, data, forms or reports to unauthorized persons.
- Disclose any active investigation information to unauthorized persons.
- Loan, sell, give away or otherwise allow any unauthorized use of a department badge, uniform, identification card or property for personal use, personal gain or any other improper use or purpose.
- Disclose any security gate/door codes to unauthorized persons.

103.2 ABUSE OF POSITION

- (a) Members shall not use their official position, identification cards or badges for the following purpose:
1. Personal or financial gain.
 2. Obtaining privileges not otherwise available to them except in the performance of their duty.
 3. Avoid the consequences of illegal acts.
- (b) Members shall not authorize the use of their names, photographs or official titles which identify them as members of the department, in connection with testimonials or advertisement for any commodity or commercial enterprise, without prior approval of the Chief of Police.

103.2.1 FICTITIOUS ILLNESS OR INJURY REPORTS

Members shall not fake illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

103.2.2 TERMINATION OF EMPLOYMENT

When any member terminates their employment, all city owned equipment, all rank insignia, badges and patches shall be turned into the supervisor or Chief of Police prior to the terminating member receiving their final paycheck.

103.2.3 POLITICAL ACTIVITY

Members are prohibited from taking the following actions:

- (a) Use their official capacity to influence, interfere with or affect the results of an election.
- (b) Addressing political gatherings or answering personal political questions in support of or in opposition to a partisan candidate or any political issue while in uniform or by identifying themselves as a member of this department.
1. An exception to sub-section (b) would apply to members of a Police Officer's Association when, as an association, publicly endorses any political campaign or hosts any political forum, granted that they follow any additional policy outlines in Policy §1028 Employee Speech, Expression and Social Networking.

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2. In the event a member personally speak at a public campaign or forum hosted by the Association, the member shall not specifically state or imply that he is speaking on the behalf of the City of Buhl or the Buhl Police Department.

103.2.4 ADDRESSING SWORN MEMBERS

As a matter of professional courtesy, when in the presence of persons from outside the department, members should address fellow sworn members by their rank, or by rank and last name. All other times, members may may be addressed by their first names unless a member is making a formal introduction.

103.2.5 ATTENTION TO DUTY AND JOB PERFORMANCE

As most police work is necessarily performed without close supervision, the responsibility for proper job performance lies primarily with each individual member. A sworn member also carries with him/her the responsibility for the safety of the community and other department members, and he/she discharges that responsibility by the faithful and diligent performance of his/her assigned duty. Anything less violates the trust placed in him/her by the department and the community, and nothing less qualifies as professional conduct.

During their assigned shift, members must keep occupied with department business and not give the appearance of loitering or inattention to duty by engaging in personal business or conversations to the extent that it neglects work performance.

inattention to duty and poor or unacceptable job performance shall also include but not be limited to the following actions and attitudes:

- (a) Leaving assignment during hours without reasonable excuse and/or authorization form a supervisor.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse or leave privileges.
- (d) Dereliction or neglect of duty.
- (e) Sleeping on duty.
- (f) Failure to maintain required and current licenses (i.e. driver's licenses) or applicable job certifications.
- (g) Unsatisfactory work performance, which includes but is not limited to (if applicable to a member's specific/job description):
 1. **Professional Demeanor** - Fails to maintain a professional, neat appearance through a clean, well maintained and properly fitting uniform, proper personal hygiene, and shined boots (if applicable to member's duties). Member also fails to maintain standards of decorum and courtesy by properly addressing fellow members and citizens. Member displays a negative attitude when given criticism or feedback.
 2. **Computer Operation** - Fails to understand and appropriately use department computers applicable to their duties., including all associated programs and/or

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software. Member also fails to understand or apply proper security regarding sensitive/confidential information.

3. **Radio Communication** - Fails to know or properly apply proper radio procedures, fails to listen for his call sign or answer promptly. Member fails to speak clearly and loud enough to be heard, fails to listen and comprehend radio traffic, or does not pre-plan radio transmissions to lessen the amount of radio traffic.
4. **Vehicle operation** - Fails to properly check assigned department vehicle to identify deficiencies. Member fails to operate a department vehicle in a safe, courteous and lawful manner. If applicable, member fails to demonstrate the skills necessary to safely operate a patrol vehicle in emergency condition or does not understand or follow department policy as it applies to emergency operations.
5. **Orientation** - Member is not familiar with city street, districts or city limits. Member fails to choose safe and expedient routes to calls or does not have an awareness of his/her surrounding at all time.
6. **Policy and Procedure** - Fails to understand or follow appropriate department policies, procedures, special orders, directives, memorandums and e-mails.
7. **Safety Awareness**- Fails to recognize or apply solid officer safety strategies.
8. **Control of Persons** - Fails to understand and apply appropriate verbal and/or physical control of all contact.
9. **Search and Seizure** - Fails to understand and apply related 4th and 5th Amendment case law with respect to seizure of person and property, person, vehicles and buildings.
10. **Investigations and Evidentiary Procedures** - Fails to understand and apply proper techniques with initial and follow-up investigations, interviews, securing and documenting crime scenes, as well as handling and submitting evidence.
11. **Idaho Traffic Code and City Ordinances** - Fails to understand or apply traffic code violations by recognizing and observing the elements of the violation. Fails to understand and apply common city ordinances.
12. **Idaho Criminal Code** - Fails to know or correctly apply common and relevant state criminal codes, fails to understand codes of criminal procedure, or fails to know elements of common crimes.
13. **Scene Management and Resolution** - Fails to recognize and manage crime scenes with respect to personnel and evidence. Is unable to analyze the situation, collect necessary information or use appropriate decision making to arrive at the best solution available.
14. **Self-Initiated Activity** - Lack of alertness for criminal behavior or fails to act on it when seen. Fails to take initiative to pro-actively seek out and interdict crime or other violations on all levels. Fails to remain active or fails to maintain his/her fair share of work load throughout assigned shift.

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15. **Forms** - Fails to understand or correctly use all department or State forms pertaining to assigned duties, including hard-copy or electronically submitted forms.
16. **Reports** - Unable to transcribe the results of his/her investigation into well written report. Reports are inaccurate and unorganized, including insufficient detail to meet the elements of the crime being charged. Reports contain multiple spelling and grammatical errors. Members does not use an appropriate amount of time to complete reports and any supplemental documentation.

103.2.6 INTEGRITY

The public demands that the integrity of members of its police department be above reproach, and the dishonesty of a single member may impair public confidence and cast suspicion on the entire department. Succumbing to even minor temptation can be the genesis of a malignancy, which may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. A member must scrupulously avoid any conduct, which compromise the integrity of him/herself, his/her fellow members or the department.

103.2.7 COURTESY

Effective law enforcement depends on a high degree of cooperation between the department and the public. Members shall be courteous in all public contacts, and during interactions with other department members, city employees and any other Government entity.

103.2.8 MEMBER INTERACTIONS WITH THE PUBLIC

In each of his/her contacts with the public, a members must be aware that his/her actions, appearance and statements are generally considered by citizens to be representative of the department and not necessarily solely of the individual member. For that reason, and because of the inherent potential for conflict in many police contacts, a member must develop fair, impartial and reasonable attitude and perform his/her tasks in a business-like manner. His/her statements must be the result of considered judgment and be absent of personal opinion, bias or editorial comment. Extended conversation, which reflects the member's personal opinions will normally be considered inappropriate.

103.2.9 MEMBER RESPONSIBILITY

When any member becomes aware of possible misconduct by another member of this department, he/she shall immediately notify a supervisor through the proper chain of command.

103.2.10 SUPERVISOR RESPONSIBILITY

Supervisors are required to follow all policies and procedures and may also be subject to discipline for:

- (a) Failure to take appropriate action to ensure that members adhere to the policies and procedures of this department and that the actions of all members comply with all laws.

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- (b) Failure to promptly and fully report any know misconduct of a member to his/her immediate supervisor, or failure to document such misconduct appropriately as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 OATH OF OFFICE

All [department/office] members, when appropriate, shall take and subscribe to the oath or affirmation applicable to their positions as required by Idaho Code 59-401.

The form of the oath should be as follows:

I do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of (insert office) according to the best of my ability.

104.3.1 OFFICER REQUIREMENTS

All officers shall take the oath of office prior to assuming sworn peace officer status (Idaho Code 59-406).

104.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Idaho Code 59-405).

Code or Canon of Ethics

105.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all sworn members are aware of their individual responsibilities to maintain their integrity and that of the Buhl Police Department at all times.

105.2 POLICY

The law enforcement code or canon of ethics shall be administered to all peace officer trainees during the Idaho Basic Law Enforcement Training Program and to all other sworn members at the time of appointment.

105.3 LAW ENFORCEMENT CODE OR CANON OF ETHICS

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

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

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God or have a sincere and unfaltering commitment to my chosen profession... law enforcement.

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Code or Canon of Ethics

105.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the law enforcement code or canon of ethics may be omitted where objected to by the officer.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the [Department/Office] and defines general responsibilities of [department/office] members.

200.1.1 ALLOCATION OF PERSONNEL

The Chief of Police shall, at least once annually, conduct and document an analysis of staffing levels to determine if changes are needed in the number of personnel assigned to each function sufficient to meet the organizational goals and objectives and the needs of the community. It shall be the sole discretion of the Chief of Police, with input from the Mayor and City Council when applicable, as to departmental assignments of personnel and allocation of personnel within the department.

200.2 DIVISION

The Chief of Police is responsible for administering and managing the Buhl Police Department. There are three divisions in the [Department/Office] as follows:

- Administration Division
- Uniform Patrol Division
- Investigation Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by an assigned Chief of Police, whose primary responsibility is to provide general management, direction, and control for the Administration Division. The Administration Division consists of technical and administrative services.

200.2.2 UNIFORM PATROL DIVISION

The Uniform Patrol Division is commanded by an assigned Chief of Police, whose primary responsibility is to provide general management, direction, and control for the Uniform Patrol Division. The Uniform Patrol Division consists of uniformed patrol and special operations, which includes traffic, SIRCOMM (Southern Idaho Regional Communications Center), and police aides/assistants.

200.2.3 INVESTIGATION DIVISION

The Investigation Division is commanded by an assigned Chief of Police, whose primary responsibility is to provide general management, direction, and control for the Investigation Division. The Investigation Division consists of the Detective Unit, Evidence Room, crime analysis, and forensic services.

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200.2.4 ORGANIZATIONAL CHART

The Chief of Police or the authorized designee is responsible for developing and annually updating an organizational chart showing the lines of authority and communication within the [Department/Office]. The chart should be posted in a location accessible to all members.

200.3 COMMAND PROTOCOL

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

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel of the Buhl Police Department. During planned absences, the Chief of Police will designate a Sergeant to serve as the acting Chief of Police.

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

- (a) Uniform Patrol Sergeant
- (b) Investigation Sergeant
- (c) Administration Sergeant
- (d) On-duty Shift Supervisor

200.3.2 UNITY OF COMMAND

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

200.3.3 DELEGATION OF AUTHORITY AND ACCOUNTABILITY

The Chief of Police shall delegate authority through the chain of command to the various members of the department, and each member should be given the proper authority to make decisions which are necessary for the effective execution of their responsibilities. Special assignments and responsibilities may be delegated to any member of the department regardless of rank or length of tenure with the department.

Each member of the department shall be held fully accountable for the use of their delegated authority, or the failure to use it when needed for execution of responsibilities.

200.3.4 ALLOCATION OF PERSONNEL

The agency shall annually conduct and document an analysis of staffing levels to determine if changes needed in the number of personnel assigned to each function are sufficient to meet the organizational goals and objectives, and needs of the community. The allocation of resources and staffing levels within the Department is dependent upon the City of Buhl fiscal year budget,

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Organizational Structure and Responsibility

which begins October 1st and ends September 30th. The Department conducts an annual review of staffing levels based on various statistics obtained through the Records Division and/or Crime Analysis. The following types of documentation are used to assist in determining calls for service trends, nature and percentage of time allocated for types of calls, juvenile and adult arrests, citations, warnings, field interviews, number and type of police reports taken, accident trends, property crime trends, person crime trends, drug offenses, DUI arrests, property and evidence received, and other specialized programs within the department.

- Monthly Crime Statistics
- Specialized Crime Pattern Reports
- Police Department Annual Review
- Crime in Idaho Annual Report
- Annual Case Load Comparison

200.3.5 GOALS AND OBJECTIVES

The Chief of Police or the authorized designee is responsible for establishing written goals and objectives for the Buhl Police Department using a strategic planning process, and shall ensure the goals and objectives are reviewed and updated annually.

Sergeants are responsible for developing, reviewing, and updating the elements of the plan that affect their Division. The plan should specify a time period and should include but is not limited to:

- Long-range goals and objectives.
- Anticipated workload and staffing needs.
- Capital improvement, equipment, and supply needs.
- Provisions for implementation, measuring achievement, and revision as needed.
- Documentation of the review process.

The [department/office]-established written goals and objectives should be made available to all members.

200.4 POLICY

The Buhl Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the [Department/Office]. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.5 ORGANIZATIONAL CHART

See attachment: [Organizational Chart Revised 01-24-2023.pdf](#)

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Organizational Structure and Responsibility

200.6 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

200.7 JOB DESCRIPTIONS

The Administration Sergeant shall maintain a current job description for each position or assignment in the [Department/Office]. Job descriptions should be made available to all members and updated as necessary.

200.8 ANNUAL STAFFING LEVEL ANALYSIS

Annually, the Chief of Police or the authorized designee shall conduct and document an analysis of current staffing levels to determine if the number of personnel assigned to each function is sufficient to meet organizational goals and objectives and community needs.

General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 RESPONSIBILITIES

201.2.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief of Police. General Orders should be submitted to the legal department for review prior to incorporation into the Policy Manual, when applicable.

201.2.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue General Orders.

201.3 ACCEPTANCE OF GENERAL ORDERS

All members shall be provided access to the General Orders. Each member shall acknowledge that they have been provided access to and have had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand

201.4 POLICY

General Orders will be used to modify policies of the Buhl Police Department when an immediate need to adapt a policy or procedure exists in order to best meet the mission of the [Department/Office]. Applicable memorandum of understanding and other alternatives should be considered before a General Order is issued.

201.5 PROTOCOL

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

The Administration Sergeant or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Buhl Police Department and responsibilities of its members pertaining to large scale emergencies and the Idaho Emergency Operations Plan (IDEOP).

202.2 POLICY

The Buhl Police Department will prepare for large scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Emergency Operations Plan complies with IDEOP (Idaho Code 46-1006; Idaho Code 46-1009). This plan provides guidance for [city/county] emergency operations within and outside its borders, as may be required.

202.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Buhl Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Emergency Operations Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the Idaho Office of Emergency Management to assist with mutual aid response from local, state and federal law enforcement agencies.

This [department/office] shall operate under the National Incident Management System (NIMS) and the Incident Command System (ICS).

202.3.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Buhl Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

202.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in Administration, the Shift Supervisor's office and SIRCOMM (Southern Idaho Regional Communications Center). All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. The Sergeant should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.5 EMERGENCY OPERATIONS PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Operations Plan at least annually and ensure that the plan conforms to any NIMS revisions. The Chief of Police or the authorized designee should appropriately address any needed revisions.

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Emergency Operations Plan

202.6 TRAINING

The Department should provide annual training on the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

Training

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

The Buhl Police Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. It is important that personnel keep up-to-date on new laws, changes in case law, technology, defense and arrest tactics, topics relevant to law enforcement and revisions in agency policy, procedures, rules and regulations. Generally, there is no core content applicable to all sworn personnel. In addition, specialized training courses may be appropriate for career development or those seeking promotion or transfer to certain positions. The objective of the program should be to motivate veteran personnel and enhance the professionalism of personnel and the agency in general.

Whenever possible, this department will use courses certified by the Peace Officer Standards and Training Council (POST). The department will provide a minimum of forty (40) hours of training to all sworn members every two (2) years as required by POST.

203.3 POLICY

The [Department/Office] shall administer a training program that will meet the standards of federal, state, local, and the Idaho Police Officer Standards and Training (POST) Council training requirements. It is a priority of this [department/office] to provide continuing education and training for the professional growth and development of its members.

203.4 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of [department/office] members.
- (c) Provide for continued professional development of [department/office] members.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

203.4.1 MINIMUM TRAINING REQUIREMENTS

Each sworn member of the department shall participate in a minimum of forty (40) hours of training as directed by POST Council every two (2) calendar years. This training must include a combined minimum of twenty-four (24) hours of continuing law enforcement training in the following topics:

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- (a) Firearms: Eight (8) hours and an annual proficiency test (qualification);
- (b) Arrest Techniques/Defensive Tactics (ARCON): Eight (8) hours
- (c) Emergency Vehicle Operation (EVOC): Four (4) hours
- (d) Legal Update(s): Four (4) hours.

Participation in post-secondary college and university courses, though highly encouraged, does not replace these minimum training requirements.

203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
 - 1. An officer must successfully complete the POST Basic Training Academy within one year of employment, unless granted a waiver under IDAPA 11.11.01.059 (IDAPA 11.11.01.057).
 - 2. Unless exempted, an officer must be certified by POST within one year after being first appointed (IDAPA 11.11.01.057).
 - 3. Officers shall complete 40 hours of continuing training every two calendar years and annual training as specified by POST in IDAPA 11.11.01.131.

203.5.2 ADDITIONAL TRAINING

The following list, while not all-inclusive, identifies training that is required by the Idaho Chiefs of Police Association accreditation standards:

- (a) Every member appointed or promoted to a first-level supervisory position shall successfully complete at least 40 hours of supervisory training prior to or within two years of such appointment or promotion.
- (b) Every member appointed or promoted to a mid-management position shall successfully complete at least 40 hours of management training prior to or within two years of such appointment or promotion.

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- (c) Every member shall receive initial training and periodic training on the Standards of Conduct and Personal Appearance Standards policies.

203.6 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or [department/office] necessity.
- (b) Any member who is unable to attend training as scheduled shall notify their supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 - 1. Document their absence in a memorandum to their supervisor.
 - 2. Make arrangements through their supervisor or the Chief of Police to attend the required training on an alternate date.

203.6.1 COMPUTER AND INTERNET BASED TRAINING

Personnel will be required to complete some of their ongoing training via computer media and internet based courses. Courses will be periodically assigned by the Chief of Police as the courses become available or necessary. Each employee is responsible for the timely completion of these courses and providing the Chief of Police with the Certificate of Completion for the course upon completion.

203.7 DAILY TRAINING BULLETINS

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

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Chief of Police. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the [Department/Office].

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the

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DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

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

203.8 REQUEST FOR OTHER TRAINING

Employees shall make a written request for training classes on the appropriate form.

On the request form the employee will include:

- (a) How the training will benefit/better the employee.
- (b) How the training will benefit/better the department.
- (c) Show estimated costs for:
 1. Tuition
 2. Meals
 3. Lodging
 4. Transportation
- (d) Sign and date the request.
- (e) Submit requests to their immediate supervisor.

203.9 TRAINING REQUESTS AND POST CERTIFIED INSTRUCTORS

All employees who successfully complete instructor-level training must:

- A. Complete the required paperwork to become a Peace Officer Standards and Training (POST) certified instructor within ninety (90) days of completion of the training.
- B. All new employees granted instructor status by POST are required to maintain their POST certification for a minimum of five (5) years.
- C. Instructors will be required to teach class in their area of expertise as required by the department.
- D. After five (5) years as an instructor, the employee may ask permission to allow his/her instructor certification to lapse.
- E. The Lieutenant or Chief of Police may release an instructor from his/her five (5)-year commitment at their discretion.
- F. Upon successful completion of an instructor-level course, employees will forward a copy of their certification of completion, diploma, etc., to the training Sergeant.
- G. The training Sergeant will give the employee a POST Certified Instructor Packet to complete.
- H. Within ninety (90) days, the employee will return the completed POST Certified Instructor Packet to the training Sergeant.

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- I. The Training Sergeant will forward all course outlines and instructional material to the Administrative Staff for review prior to sending the POST Certified Instructor Packet to the POST academy for approval.
- J. The Training Sergeant will coordinate a convenient time for the POST Regional Training Specialist to observe the employee teach a class.

203.10 TRAINING/TRAVEL ATTIRE

All personnel will maintain a well-groomed appearance and department while attending Department-sponsored meetings and training. Some training offered to Department employee, both in house and out sourced such as firearms, arrest techniques, ground fighting and other hands-on disciplines, require clothing appropriate to the specific needs of the activity. Otherwise employees attending training shall maintain a well-groomed appearance and dress in business casual attire.

203.11 SUPERVISORY AND MANAGEMENT TRAINING REQUIREMENT

Every employee appointed or promoted to first-level supervisory position shall successfully complete at least 40 hours of supervisory training prior to or within two years of such appointment or promotion.

Every employee appointed or promoted to a mid-management position shall successfully complete at least 40 hours of management training prior to or within to years of such appointment or promotion.

203.12 CHIEF OF POLICE

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

203.13 TRAINING RECORDS

The Chief of Police is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are the property of the department. The Buhl Police Department reserves the right to access, audit or disclose for any lawful reason, any message, including any attachment, that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used instead of email. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

204.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated and may result in discipline.

Email messages addressed throughout the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Sergeant. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Idaho Public Records Law and must be managed in accordance with the established records retention schedule and in compliance with state law.

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The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 E-MAIL

E-mail is primarily the most common form of internal and external communication. Due to the fact that important and/or time sensitive internal and external communications occur through the use of e-mail, members shall check and read their e-mail frequently through their assigned work periods and reply to e-mail messages in a timely manner when appropriate.

E-mail communications are subject to disclosure under public record's requests, and therefore member's must be aware that confidential and/or personal information contained in their e-mails could be subject to public disclosure.

In an effort to maintain uniformity and professionalism with e-mail correspondence, members of this department may choose to have an electronic signature automatically added to the closing of their e-mail messages. The electronic signature shall only include the authorized department logo, the name and rank of the member, the name of the department, department address, and the members phone numbers, fax number and e-mail address.

No other logos or signature will be authorized for use in electronic signatures without authorization of the Chief of Police.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of this department are not misused, and to maintain uniformity and professionalism, all external correspondence shall be on Buhl Police Department letterhead. All Buhl Police Department letterhead shall bear the signature element of the Chief of Police, the authorized department logo, and the department name, address, telephone, fax, and website information. Personnel should use Buhl Police Department letterhead only for official business and with the approval of their supervisor.

205.4 SURVEYS

All surveys made in the name of this department shall be authorized by the Chief of Police.

Concealed Weapon License

206.1 PURPOSE AND SCOPE

Upon receipt of the appropriate fees and after compliance with the procedures set out in Idaho Code 18-3302 or Idaho Code 18-3302K, the Sheriff of a County shall issue Idaho concealed weapon licenses or enhanced concealed weapon licenses to qualified applicants.

206.2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant:

- (a) Must be at least 18 years of age and meet all requirements under Idaho Code 18-3302 and all applicable federal law including the Lautenberg Amendment of the Gun Control Act of 1968 (18 USC § 922).
 - 1. Applicants between the ages of 18 and 21 years must meet the requirements of an enhanced concealed weapon license (Idaho Code 18-3302).
- (b) Must be required to demonstrate familiarity with a weapon by completion of any firearms safety training approved by this department.
- (c) Submit a completed State of Idaho Concealed Weapons License Application.

The Sheriff shall require any person who is applying for original issuance of a license to submit his/her fingerprints in addition to the other information required in this section.

Within five days after the filing of an application, the Sheriff shall forward the application and fingerprints to the Idaho State Police for a records check of state and national files. The Idaho State Police shall conduct a national fingerprint-based records check and return the results to the Sheriff within 60 days. If a fee is collected for processing fingerprints, the Sheriff shall provide the applicant, upon request, with a copy of the results of the records check (Idaho Code 18-3302).

The Sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified.

206.2.1 QUALIFIED LAW ENFORCEMENT RETIREES

A license to carry a concealed weapon shall be issued to a qualified retired law enforcement officer when he/she (Idaho Code 18-3302H):

- (a) Retired in good standing from service with a public agency as a law enforcement officer while not under investigation or subject to discipline for any violation of this state's law enforcement code of conduct and not for mental instability.
- (b) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.
- (c) Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 10 years or more, or retired from service with such agency after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency.

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- (d) Has a nonforfeitable right to benefits under the retirement plan of the agency.
- (e) During the most recent 12-month period has met, at his/her own expense, the standards for training and qualification of this state by completion of any law enforcement firearms safety or training course or class offered for a law enforcement agency.
- (f) Is not chronically under the influence of alcohol, or under the influence of another intoxicating or hallucinatory drug or substance in violation of any provision of federal or state law.
- (g) Is not prohibited by federal law from receiving a firearm.
- (h) Has a current and valid photographic identification issued by the agency from which the individual retired from service as a law enforcement officer.
- (i) Provides an affidavit, in triplicate, sworn and signed under penalty of perjury, that he/she meets the definition of a qualified law enforcement officer under Idaho Code 18-3302H.
- (j) Pays the fees charged by the sheriff pursuant to this section.
- (k) Completes the original application or renewal application from the Idaho State Police.

A license issued to a qualified retired law enforcement officer shall be in a form substantially similar to that of the Idaho driver's license and shall be valid for a period of one year. The license shall bear the signature, name, address, date of birth, picture of the licensee, expiration date, and the driver's license number or state identification card number of the licensee if used for identification in applying for the license, and shall state that the licensee is a qualified retired law enforcement officer (Idaho Code 18-3302H).

206.3 APPLICATION PROCESS

No civil or criminal liability shall attach to the Sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial, or revocation of, any Idaho concealed weapon license as a result of the lawful performance of duties under Idaho Code 18-3302 or Idaho Code 18-3302K.

206.3.1 CONCEALED WEAPON LICENSING FEES

The applicant is responsible for all fees as established by the State of Idaho, including:

- (a) Fee for the original application and conducting the fingerprint check of the applicant.
- (b) Fee for the issuance of a concealed weapon license.
- (c) Fee for the renewal of a license.
- (d) Fee for the renewal of the application.
- (e) Any applicable late fee (if the time lapsed from the expiration date is more than 90 days).

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206.4 DENIAL OF CONCEALED WEAPON APPLICATIONS

If the application for the concealed weapon license is denied pursuant to Idaho Code 18-3302 or Idaho Code 18-3302K, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant within 90 days after the application was made.

206.5 ISSUED CONCEALED WEAPON LICENSE

If the application for the license is approved, the Sheriff shall send notice to the applicant by mail or otherwise deliver to the applicant within 90 days of the application. The license must be carried whenever the licensee carries a concealed weapon. Failure of a person who carries a concealed weapon also to carry a concealed weapon license is prima facie evidence that the person does not have such a license.

The Sheriff shall keep a record of all the licenses that are issued, renewed, or revoked. Information pertaining to the applicant or licensee received or maintained is confidential (Idaho Code 18-3302; Idaho Code 18-3302H; Idaho Code 18-3302K).

Unless revoked, an Idaho concealed weapon license is valid for a period of five years from the date on which it is issued (Idaho Code 18-3302; Idaho Code 18-3302K).

206.5.1 LICENSE RESTRICTIONS

If requested, the Sheriff shall provide the licensee with a list of those places where carrying concealed weapons is prohibited or restricted by state or federal law.

206.5.2 CHANGE OF LICENSEE'S ADDRESS

If a licensee changes residence, the licensee shall report the change of address and the Sheriff shall issue a new license as a duplicate for a change of address. The license shall expire upon the same date as would the original.

206.5.3 REVOCATION OF LICENSES

Cause for revoking a concealed weapon license includes misuse of the license, fraud or intentional misrepresentation in the obtaining of a license, or any act or condition that would prevent the issuance of a license under Idaho Code 18-3302 or Idaho Code 18-3302K.

A Sheriff may revoke a license by serving upon the licensee a notice of intent to revoke. The notice should contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be included in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice unless the licensee seeks review.

A person whose license is revoked may seek review by following the procedure set out in Idaho Code Title 67, Chapter 52.

206.5.4 LICENSE RENEWAL

A concealed weapon license is renewable by repeating the application process, except for the requirement to submit fingerprints.

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206.6 ENHANCED CONCEALED WEAPON LICENSE

The application process, background check, and denial for an enhanced concealed weapon license are generally the same as the requirements for a concealed weapon license. Applicants opting for an enhanced concealed weapon license must complete the additional training and meet the qualifications as provided in Idaho Code 18-3302K(4). Applicants who are not U.S. citizens shall also submit their U.S. Department of Homeland Security (DHS) alien or admission number. The Sheriff shall make an immigration query through DHS prior to issuing the enhanced license (Idaho Code 18-3302K(2); Idaho Code 18-3302K(3)).

The Sheriff shall not issue an enhanced license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria identified in Idaho Code 18-3302, or does not meet all of the qualifications provided in Idaho Code 18-3302K(4).

206.7 NOTIFICATION TO IDAHO STATE POLICE

Upon issuing, renewing, or revoking a license, the Sheriff must notify the Idaho State Police in the manner prescribed by the Idaho State Police (Idaho Code 18-3302; Idaho Code 18-3302H; Idaho Code 18-3302K).

Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of Buhl Police Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

207.2 POLICY

It is the policy of the Buhl Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

207.3 LEOSA

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

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

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

207.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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

207.4 IDAHO IDENTIFICATION CARD

The Chief of Police should issue an identification card to a qualified former officer of this department with 10 years of service if requested and is otherwise a qualified retired law enforcement officer under Idaho Code 18-3302H.

207.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Charges and Convictions Policy.

207.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state, and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.6 FIREARM QUALIFICATIONS

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

Police Department Security

208.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for creating a safe and secure environment for all members and visitors having access to any police department buildings or other real property owned by the city and used by the department.

208.2 SECURED AREAS

The police department and any sub-station/off-site evidence room, buildings, or offices shall be secured as much as practical to prevent unauthorized persons or vehicles from entering secured locations. Security may be controlled by having secured areas properly signed and any entry doors or gates activated by use of an access code, combination code, proxy card, key lock, or other authorized means.

Doors and gates allowing access into any secured area of the police department, sub-station building, or offices shall remain closed and locked to prevent unauthorized persons from gaining access. Doors may be temporarily propped open to allow the delivery or movement of items.

Certain locations within or around the police department, sub-station buildings, or offices may be monitored and/or recorded via CCTV or other means as authorized by the Chief of Police or his designee.

208.2.1 ACCESS CODES AND KEYS

Access codes, combination codes, proxy/access cards, or keys for any entry door or gate are for the exclusive use of the member assigned a key, access code, or given combination code or proxy/access card. Members shall not disclose such codes or give such proxy/access card or keys to any unauthorized person.

Members who leave the employment of the department shall turn their issued keys or proxy/access card into their supervisor or Chief of Police for inventorying that member's issued equipment.

208.2.2 MEMBER IDENTIFICATION CARDS

Members are issued photo identification cards which shall not be lent, given to, or allowed for use by any other person. The identification card shall be carried on the member's person while on duty.

Unauthorized copies by any means of the identification card shall not be made.

If a member's identification card is misplaced, lost, or stolen, they shall immediately notify a supervisor in writing of the circumstances and request a replacement card.

Members who leave the employment of the department shall turn their identification card into their supervisor or Chief of Police for inventorying that member's department-issued equipment.

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208.2.3 VISITORS

During normal business hours, visitors to the police department who are not already escorted by a member, shall check in with the front desk and be escorted at all times by a member of the department.

Visitors not meeting ILETS clearance requirements shall be accompanied by a department member at all times when entering any area housing ILETS terminals. The member shall ensure the visitor does not view any information on ILETS monitors, nor have the ability to access ILETS.

Visitors shall not have access to, or be allowed to view, any confidential material including, but not limited to reports, e-mails, officer safety alerts or shift briefing information. If confidential or sensitive information is discussed in the presence (or overheard by) any civilian visitor, the visitor shall be advised to not discuss or disclose such information to any other person.

208.3 SUSPICIOUS OR THREATENING PERSONS

If any suspicious or threatening person is in the lobby of the police department, members assigned to the front desk (Office manager and office assistant) shall immediately request the assistance of a sworn member by either telephone, panic alarm or base radio. Should the member(s) assigned to the front desk feel their safety is in jeopardy by any person in the lobby, those members may leave the front desk area and go to another location within the department until such person is contacted and/or removed by sworn members.

The Chief of Police, and Lieutenant have the authority to trespass unwanted persons from the police department, sub-station/evidence room off site, or offices and police department parking lots.

208.4 SUSPICIOUS PACKAGES/BOMB THREATS

Suspicious Packages: If any member locates a suspicious package or item in or around the police department, or office, or on, around or under any department vehicle or member(s) owned private vehicle, that member shall leave such package or item in place and immediately notify a supervisor. The responding supervisor shall evaluate the situation in an attempt to determine the safest course of action.

Bomb Threats: Procedures outlined in Response to Bomb calls Policy.

208.5 BUILDING EVACUATIONS

Evacuation of the department may be required for the safety of its members in the event of a fire, explosion, gas leak, earthquake or other immediate safety hazard. Members shall exit the department by the closest or safest exit unless otherwise notified. Members should consider, when practical or safe to do so, checking offices immediately nearby to make sure other members are aware of the evacuation or if any other members need assistance evacuating.

Members shall not re-enter the department until after being advised it is safe to do so by the Chief of Police or his designee.

Supervision

209.1 PURPOSE AND SCOPE

The foundation of the Buhl Police Department is the first-line supervisor. Supervisors are the medium by which the Police Department can move its mission forward. At the same time, they are at the center of personnel development, motivation, discipline, coaching, counseling, and morale. Although supervisors are responsible to meet the needs of the Police Department, proper supervision also includes meeting the needs of the members.

209.2 SUPERVISION PHILOSOPHY

In keeping with the principles of unity of command and chain of command, with the exception of the Chief, each member of the Police Department will have a supervisor. It is the duty of every supervisor to know whom he or she is supervising, as well as the duty of every member to know who his or her supervisor is. Command Officers have the authority to carry out policies and administer and supervise the work of various departments, divisions, teams, or units of the Buhl Police Department.

In the Chief of Police absence, a Lieutenant will assume command of the Buhl Police Department. Each member who has a responsibility also has the commensurate authority needed to carry it out and, when practical, should have a voice in the formulation of procedures and practices surrounding that responsibility. First-line supervisors are responsible for ensuring that their assigned mission is fulfilled. First-line supervisors are also responsible for creating a supportive and cooperative work environment for their subordinates to work in.

- (a) Each supervisor shall, by actions, manner, and attitude, promote an understanding of all procedures essential to effective organizational control.
- (b) The supervisor is to convey the intent and spirit of orders and directives to subordinates. Each supervisor should have knowledge of a subordinate's progress and assist by counseling, mentoring, advice, and direction.
- (c) The supervisor is a resource to assist subordinates with problems that affect the performance of their work as members of the Police Department.
- (d) The supervisor should act in a prompt, timely fashion in response to a subordinate's problems.

209.2.1 DEFINITIONS

- (a) **CHAIN OF COMMAND** is the ascending or descending order of official communications within each division of the Police Department. The chain of command should adhere to unity of command principles. All official communications of the Police Department must adhere to the chain of command. The descending order in the line staff chain of command is as follows: Chief, Captain, Lieutenant, Sergeants/Professional Staff Supervisors, Corporals, Officers/Detectives, Professional Staff, and Volunteers.

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- (b) **UNITY OF COMMAND-** means that each individual unit and situation is under the immediate control of one and only one person. The principle is that a member should be under the direct control of only one immediate supervisor.
- (c) **DIRECT SUPERVISION-** is the relationship between supervisors and their subordinates. A direct supervisor has the responsibility under normal conditions for such things as making work assignments, monitoring work performance, handling disciplinary matters, resolving questions and problems, forwarding communications up the completion of routine administrative ensuring and down the chain of command, and requirements relating to his or her subordinates.
- (d) **FUNCTIONAL SUPERVISION-** is the authority extended to a member to complete a specific task and to direct the actions of others who are not normally under his or her control to accomplish the task. Common circumstances in which an officer will have the authority and responsibility to exercise functional supervision are: primary officer on a call with assist units, committee chairperson, unit/team commander at the scene of a tactical operation, an officer assigned to investigate a specific scene and providing formal training to other members.
- (e) **GENERAL AUTHORITY-** means the authority to direct the actions of the Police Department is singularly inherent in the Office of Chief. The Chief shall have absolute command over all Buhl Police Department affairs and members. Authority delegated to supervisors is for the purpose of effectively delivering law enforcement services. The authority delegated to ranking members is not confined to their respective division, but includes supervision over all members as may be necessary. However, this authority over other members not assigned to them should be exercised with utmost discretion and only in periods of absolute need. In such event, the matter should be communicated to the immediate supervisor of the members involved without unnecessary delay.
- (f) **GENERAL RESPONSIBILITIES-** to facilitate proper supervision, responsibility that is equal with delegated authority is inherent with supervision. Members in supervisory positions are accountable for the actions of their subordinates. In the absence of the member's supervisor, every ranking member has the responsibility for any subordinate member's conduct.

209.2.2 EXERCISE OF AUTHORITY

A superior shall sustain a subordinate when a subordinate is acting within his or her rights. The particular authority delegated or granted to ranking members is not confined to their respective Division but includes supervision over all members of this office as is necessary for efficient administration. This authority is to be exercised with utmost discretion. Superiors should avoid giving direct commands to personnel not assigned to their control except during periods of emergency. In such event, the matter is communicated to the immediate supervisor of the member involved without unnecessary delay. Whenever a member is temporarily reassigned from his or her normal assignment to another unit, Division, or supervisor, the member is responsible to ascertain who his or her immediate supervisor is and confirm the arrangement with that supervisor. A ranking member shall exercise his or her authority in the best interest of the Chief's Office. Such ranking members shall not unnecessarily countermand any orders of those below his or her rank

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or needlessly interfere with the specific duties of lower ranking members. Additionally, ranking members should not deliberately criticize directives, policies, orders, or instructions of superior members in the presence of subordinates. The supervisor should use, in most cases, tact in giving orders and correcting mistakes. A subordinates understanding of instruction should be tested so that the subordinate will know in detail what is to be done, how to do it and, if desirable, the reasons therefore. When a supervisor must reprimand, correct, or counsel a subordinate, it should be done in private when practical. This is not to be construed to restrict normal duty assignments and instructions.

209.3 SENIORITY AND ORDERS

When a question of seniority arises regarding who is in command in the absence of any established rank or appointed responsibility, such seniority shall be determined by the following:

- (a) If members are of equal rank, by continuous length of service in that rank, and
- (b) By position on the certified eligibility list when two or more members have been appointed to that rank on the same day.

When two or more members are working together on the same assignment and detail and have equal rank, seniority is inapplicable except in an emergency necessitating it. All members should strive to work together in harmony and in a spirit of cooperation rather than by authority and seniority.

209.3.1 RESOLUTION OF PROBLEMS AND QUESTIONS

Supervisors and members should strive to resolve problems and conflicts at the lowest possible level of the Police Department. Adherence to the principle of chain of command when possible allows optimum use of resources and personnel. All members will contact their supervisor when they have a question(s) about their duties or when they are unable to resolve problems or need advice. Supervisors shall attempt to resolve questions and problems as soon as possible at the level at which they are occurring.

209.3.2 CONFLICTING OR ILLEGAL ORDERS

Members who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation, or directive, shall inform the ranking member issuing the order of the conflict. If the ranking member, after being informed, does not alter or retract the conflicting order, it shall stand. Under these circumstances, the responsibility for the conflict shall be upon the ranking member. Members shall obey the conflicting order and shall not be held responsible for disobedience of the original order, rule, regulation, or directive. Members shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to legality, members should request the issuing member to clarify the order through the chain of command.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

The Buhl Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests. Force is a deliberate and intentional application of effort by a police officer on another person. A police officer

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shall never employ unnecessary force or violence and shall use only such force in the discharge of duty as is objectively reasonable in all circumstances.

The decision to use force should be based on the facts and circumstances of each particular case, including the severity of the crime, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. While the use of force is occasionally unavoidable, every police officer shall refrain from unnecessary infliction of pain or suffering and shall never engage in cruel, degrading, or inhumane treatment of any person.

Further more, Under *Graham v. Connor*, 490 U.S. 386 (1989), Officers will only apply force reasonably believed to be necessary under the circumstances. When determining when to apply force, consider the totality of the circumstances including the following:

1. immediate threat of the suspect to the officer(s) or public.
2. Level of resistance offered.
3. The severity of the crime.

Force intentionally applied in excess of what is reasonably necessary, or in circumstances where there is no justification for its use, is an excess application of force.

In conclusion, Officers will use de-escalation techniques to prevent or reduce the need for force when safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change, consistent with officer safety.

Examples of de-escalation techniques include but are not limited to:

1. Utilizing verbal skills and providing a warning prior to the use of force.
2. Determining whether the officer may be able to stabilize the situation through the;
 1. use of time, distance, or positioning to isolate and contain a subject,
 2. request of additional personnel to respond or make use of specialized units or equipment and alternate resources including crisis-intervention-team trained officers,

In the discharge of their duties an officer may encounter a dynamic situation requiring immediate action where time does not allow for the de-escalation techniques listed above.

300.2.1 USE OF FORCE APPLICATION

Officers will use only authorized, methods of force consistent with accepted training applications when practicable, If other methods are used, the officer shall specifically describe the actions taken, and articulate their reasoning for doing so in their report. All officers involved in a reportable use of force incident shall provide detailed documentation in a Buhl Police Department Report. Supervisors shall complete and forward to the Chief of Police all required supervisory review documents.

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300.2.2 CRITERIA FOR THE USE OF FORCE

The appropriateness of an officer's actions will be determined by the totality of the circumstances and by the reasonableness of the officer's perceptions at the time of the incident.

The criteria for determining use of force shall include, but not limited to:

1. The nature and extent of the threat posed by the suspect
2. The severity of the crime (non-violent vs. violent, non-criminal mental hold, etc.)
3. The degree to which the subject resists arrest or detention
4. Attempts by the subject to evade arrest by flight
5. Other factors, including:
 - Nature and quality of intrusion upon the individual
 - Duration of intrusion
 - Severity of injuries inflicted, if any
 - Officer/subject size and other physical attributes
 - Environmental considerations
 - Reaction time
 - Totality of circumstances

300.2.3 DUTY TO INTERVENE AND REPORT

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

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

300.2.4 PERSPECTIVE

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

300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

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

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

300.3.1 OFFICER'S RESPONSIBILITIES

The Following will be documented in a report:

- Facts, circumstances, and chain of events
- Resistance encountered
- Type, extent, and reasons for the force used
- Disposition of subject(s)

All use of force involving soft empty hand techniques shall be documented in a detailed supplement report. Soft empty hand techniques are those most commonly used to overcome passive and defensive resistance. Use of maximal restraint shall also meet the reporting requirements for this section.

Notify supervisor immediately anytime the following force techniques are used or circumstance exist:

- Hard empty-handed control techniques
- Intermediate weapons (baton, especially impact munitions, conducted energy weapon, OC Aerosol)
- Canine Deployment
- Vascular neck restraint (LVNR),
- Any object used as a weapon
- There is an injury or an allegation of injury is likely.
- If deadly force is used
- PIT

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- Strikes
- If the use of force results in serious injury or complaint of serious injury ensure medical treatment is obtained.
- If compressions are used or the subject is rendered unconscious but no medical emergency exists, notify dispatch and request EMS for medical clearance.
- If the subject is uncooperative or combative and EMS assessment cannot be made, transport for booking and document the efforts made in the report(s).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Officers executing a warrant or who have probable cause to believe that a person has committed an offense may use reasonable force to effect the arrest if the person either attempts to flee or forcibly resists the arrest. The arresting officer should make clear his/her intent to arrest the person before using force (Idaho Code 19-610).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.

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- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.5 CAROTID CONTROL - VNR

The use of the carotid control technique or VNR is limited to circumstances when deadly force would reasonably be justified or when all other methods of apprehension or control have been exhausted or would clearly be ineffective.

- (a) The carotid restraint control hold is a bilateral vascular restraint where pressure is applied bilaterally to the sides of the neck, resulting in diminished oxygenated blood flow to the brain. **Unless lethal force is justified, at no time will pressure be administered to the front of the neck or throat, resulting in a respiratory choke hold.** The carotid restraint control hold may be effective in establishing control of a subject whose level of resistance would be classified as combative, assaultive, or high risk. The purpose is to gain quick and safe control of a subject who is aggressive, physically threatening, or violent.
- (b) Use of the carotid restraint control hold can be used in situations of active aggression on the part of the subject. The carotid restraint control hold should only be used when the officer reasonably believes that the application of the hold appears necessary to prevent serious injury or death to an officer or other persons(s).
- (c) The hold should generally not be used on subjects who are elderly, infirm, visibly pregnant females, or in circumstances when it is clear a lesser level of force would suffice.
- (d) Only officers who have successfully complete a four (4) hour department approved training course on the use of the carotid hold and the department use of force policy are authorized to use the technique. After initial training, officers shall complete a four

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- (4) hour recertification training at least every two years in order to continue to use the carotid restraint control hold.
- (e) **If application of the carotid restraint control appears reasonable based on the totality of the circumstances, the officer should:**
1. Attempt to apply the carotid restraint control hold from the ground position to reduce the risk of secondary injuries to the officer and subject.
 2. If time and circumstances permit, the officer should provide verbal commands and direction during the application of the hold in an effort to obtain voluntary compliance prior to rendering any person unconscious.
 3. Continually monitor the correct position and placement of the hold on the subject's neck to prevent respiratory obstruction or serious injury. If improper position is identified, immediately obtain the correct position or discontinue the hold.
 4. If the hold has not achieved the desired effect within approximately 30 seconds, the officer should release bilateral pressure and either disengage from the carotid restraint control hold, re-assess placement and tactically reposition, or transition to another reasonable force option.
- (f) **After any application or attempted application of the carotid restraint control hold, the officer shall ensure the following steps occur:**
1. Initially position the subject onto their side into a lateral recovery position, check vital signs, and once consciousness is regained, the officer will assess the subject for a reasonable level of cognitive function.
 2. An individual who has had the carotid restraint control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics, preferably at the scene prior to transport.
 3. Notify a supervisor of the use or attempted use of the hold.
 4. Receive full medical clearance from an authorized medical facility (Saint Luke's Medical Center) prior to booking.
 5. Maintain constant visual monitoring of the subject for signs of medical distress for a minimum of two (2) hours after application of the hold.
 6. Inform any person receiving custody, or any person receiving custody, or any person placed in providing care, that the individual has been subjected to the hold. The time of application and any pertinent medical information will also be included.
 7. The use or attempted use of the carotid restraint control hold shall be thoroughly documented and justified by the officer in the related incident and use of force report.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent

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a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Buhl Police Department for this specific purpose.

300.3.7 ALTERNATIVE TACTICS - DE-ESCALATION

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

300.3.8 RESPIRATORY RESTRAINTS

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

300.4 DEADLY FORCE APPLICATIONS

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

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

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themselves or property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

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

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

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

300.5 REPORTING THE USE OF FORCE

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

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

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 USE OF FORCE AND FIREARMS

An internal process will be conducted for the documentation, review, and disposition of the following; Incident involving a discharge of a fire arm other than training or for lawful recreation and purpose, or takes an action that results in, or allegedly results in, the injury or death of another

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person and or applies force to the person of another through the use of a lethal or less lethal weapon.

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Insure that any injured parties are examined and treated.

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

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

300.8 TRAINING

Officers shall receive copies of and annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intervene.

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- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

Deadly Force Review

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Buhl Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Buhl Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Sergeant will convene the Use of Force Review Board as necessary. It will be the responsibility of the Sergeant or supervisor of the involved employee to notify the Administration Sergeant of any incidents requiring board review. The involved employee's Sergeant or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administration Sergeant should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Chief of Police

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- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be

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forwarded to the involved employee's Sergeant for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

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

Prior to transporting any detainee or prisoner, a physical search of the person shall be conducted by the transporting officer. It shall also be the policy of the Buhl Police Department to require that all prisoners should be restrained using department approved restraints during transport.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others. No leg or waist restraints may be used. If a person in labor must be restrained, the supervisor shall ensure that a written report is completed within 10 days documenting the extraordinary circumstances that required the use of restraints (Idaho Code 20-902).

302.3.3 RESTRAINT OF JUVENILES

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

302.3.4 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

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

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

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

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

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report. Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

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

302.9 TRAINING

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

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

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 RESPONSIBILITIES

303.4.1 WATCHCOMMANDER RESPONSIBILITIES

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

303.4.2 RANGEMASTER RESPONSIBILITIES

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

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

303.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

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

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

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Supervisor, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, are exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.

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- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

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

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Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.10 TRAINING FOR CONTROL DEVICES

The Chief of Police shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.2.1 MISUSE OF THE CONDUCTED ENERGY DEVICE

The CED shall not be used outside of its intended purpose. Any member found misusing the CED will be subjected to disciplinary action.

304.3 ISSUANCE AND CARRYING THE CEDS

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

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

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

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

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

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

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

304.3.1 USER RESPONSIBILITIES

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

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating

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the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

304.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

304.5 USE OF THE CED

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

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

304.5.1 APPLICATION OF THE CED

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

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

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would

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present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

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

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304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

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

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

304.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

304.6.1 CED REPORT FORM

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

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

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- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

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

304.6.2 REPORTS

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

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

304.7 MEDICAL TREATMENT

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

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/

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or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

304.8 SUPERVISOR RESPONSIBILITIES

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

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

304.9 TRAINING

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

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

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

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

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

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

The Chief of Police should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

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- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

304.10 ECW CHECK OUT/CHECK IN PROCEDURE

Officers qualified to use the ECW will check a ECW out at the beginning of their shift. The officer will record the Date, Last four numbers of the ECW serial number, Time out, Time In and any notes regarding the ECW on the Department Sign In/ Sign Out log. Officers are responsible for checking out and returning the ECW before and after each shift.

Upon Checking out the ECW, the officer checking out the unit shall conduct a spark test based upon the manufacturer's recommendation. The spark test shall be conducted by turning the unit on, pointing in a safe direction, Cartridge REMOVED and depressing the arc switch long enough to confirm the unit is functioning properly. Any malfunctions shall be reported to the on duty supervisor and the unit will be placed out of commission unit has been repaired.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

The policy of the Buhl Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

This department conforms to the Critical Incident Task Force (CITF) Protocol for investigating officer-involved shootings and deaths. The Responsibility for activation of the CITF Protocol rests solely with the Chief of Police. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATIONS

The CITF is responsible for the criminal investigation of the suspect's actions and of the officer's actions. The criminal investigation will be reviewed by an outside prosecuting attorney's office or the Office of the Attorney General.

Under the CITF Protocol, the criminal investigation is generally referred to one or more outside agencies with a lead agency being ultimately responsible for the investigation.

305.4.2 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

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305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

305.5.2 SHIFT SUPERVISOR DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Sergeant.

305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Supervisor administration (i.e., Sgt. and LT.

All outside inquiries about the incident shall be directed to the Chief of Police.

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for or legal or union representation will be accommodated.
 1. Involved officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-BPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be arranged by CITF to each involved BPD officer. A licensed psychotherapist may also be provided to any other affected BPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members

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shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Each involved BPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

305.5.5 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any BPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Supervisor and SIRCOMM (Southern Idaho Regional Communications Center). If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional BPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

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1. Each involved BPD officer should be given an administrative order not to discuss the incident with other involved officers or BPD members pending further direction from a supervisor.
2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.6 CRIMINAL INVESTIGATION

The CITF is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, CITF personnel from this department may be assigned to partner with investigators from outside agencies to avoid duplicating efforts in related criminal investigations.

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

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

305.6.1 REPORTS BY INVOLVED BPD OFFICERS

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

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved

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suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Unit supervisor to assign appropriate investigative personnel to form the CITF to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the CITF and may be assigned to separately handle the investigation of any related crimes not being investigated by CITF.

All related CITF reports, except administrative and/or privileged reports, will be forwarded to the designated CITF supervisor for approval. Privileged reports shall be maintained exclusively

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by members who are authorized such access. Administrative reports will be forwarded to the appropriate Sergeant.

305.7 ADMINISTRATIVE INVESTIGATION

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

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, the officer should be given the officer's *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Chief of Police shall compile all relevant information and reports necessary for this department to determine compliance with applicable policies.

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6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 AUDIO AND VIDEO RECORDINGS

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

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

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

305.9 CIVIL LIABILITY RESPONSE

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

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

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Buhl Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Investigation Sergeant and Chief of Police in the event of inquiries from the media.

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

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

The prosecuting attorney's office should review any press release related to an incident prior to its dissemination to media outlets.

Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training. This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies. This policy only applies to those members who are authorized to carry firearm. Standards are strictly enforced to assure the credibility of the firearms program of the department, the standards of the program will be strictly maintained and all guidelines strictly enforced.

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Sergeant. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law. Members are also authorized to carry the TDI Ka Bar fixed blade knife. The blade length shall not exceed 2-5/16 inches and the overall length of the knife shall not exceed the 5-5/8 inches. The knife shall be carried as designed, that is fully sheathed and inside the duty belt. Knives are not provided by the Buhl Police Department, but may be purchased by the member for duty.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 17, 9MM and Glock Model 34C, 9MM. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER

306.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the CARACAL, CAR814 A2 Patrol SBR with OFF QD SUPPRESSOR HX-QD-556K. The following additional patrol rifles are approved for on-duty use:

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MAKE	MODEL	CALIBER

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

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

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.3 SHOTGUNS

The authorized department-issued shotgun is the Mossberg 500. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

306.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Buhl Police Department identification cards under circumstances requiring possession of such identification.

306.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the

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Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

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

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

306.4.2 RANGE RULES

General Rules

- (a) The Rangemaster shall be in charge and exercise functional supervision over all personnel, regardless of rank, when officers are on the range.
- (b) No unauthorized persons shall be permitted on the range. Only shooters and firearms instructors will be allowed on the range during sanctioned departmental shoots.
- (c) No smoking, drinking, eating or chewing tobacco will be permitted on the firing line.
- (d) Horseplay shall not be permitted on the firing range. Anyone engaged in horseplay shall be immediately asked to leave the range. the range master shall write a report to the Chief of Police detailing the circumstances, if this occurs.

Required Equipment

- (a) Quality eye and ear protection is required for all shooters and instructors during live fire exercises.
- (b) Hearing protection shall be "over-the-head" type, however, optional earplugs may be worn in conjunction with them.
- (c) Eye protection should fit properly, tight against the face to prevent any debris or foreign objects from reaching the eyes. Sunglasses are not permitted on the firing line.
- (d) Baseball caps or other protective cover shall be worn at all times on the range.

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- (e) Proper clothing shall be worn on the range at all times. Uniforms are acceptable attire for the range. No shorts may be worn on the range, and B.D.U. or A.C.U style pants are recommended for those persons not in uniform.
- (f) Boots or other sturdy footwear shall be worn on the range. No sandals, open toed shoes, tennis shoes or thin, cloth shoes are allowed on the range.
- (g) Officers shall wear their primary duty belt including holster and magazine holders while participating in qualifications, whether or not they are in uniform.
- (h) Only directional draw holsters are normally authorized on the range. Officers who use shoulder holsters or other non-conventional means of carrying weapons shall notify the Rangemaster for special placement along the firing line.
- (i) Wearing of ballistic vests while on the range is required while on the firing line.
- (j) Shooters who do not come to the range with the required equipment will not be allowed to approach the firing line or shoot in the qualification.

Firearms on the Range

- (a) Only weapons and ammunition issued by the department or approved by the department will allowed on the range during qualifications.
- (b) Weapons shall be unloaded PRIOR to entering the range area and remain unloaded and holstered until the Rangemaster gives loading instructions. After this point, all weapons will always be considered loaded and hot.
- (c) Any time a loaded weapon is removed from a holster, the shooter must be on a firing position with the barrel facing down range in a safe direction.
- (d) Shooter shall not "charge" their weapons until the command to do so is given, on the firing line, by the Rangemaster.

Qualifications/Firing Line Rules

- (a) All range commands on the firing line shall be given by the Rangemaster only.
- (b) Shooters should not anticipate range commands.
- (c) When the Rangemaster gives a "ready" command, any shooter that is not ready should signal by holding up his free hand and announcing he/she is not ready.
- (d) Magazines shall only be loaded in the manner and with the quantity of rounds prescribed by the Rangemaster and P.O.S.T. Academy Standards. Any shooter found to be in violation of this rule will be automatically disqualified and required to shoot again.
- (e) All shooting will be double-action and from a snapped holster.
- (f) Shooters should keep the trigger finger out of the trigger guard and away from the trigger until the weapon is pointed down range.
- (g) During qualification shoots, each shooter is required to carry all the ammunition for the course on his or her person.

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- (h) All malfunctions suffered by a shooter are to be cleared by the shooter, on the line, pointed down range. In the event the shooter is unable to clear the malfunction, he is to stay in position on the firing line, hold up their free hand and announce in a clear voice, "I have a malfunction". The Rangemaster will clear the weapon or remove it from the range.
- (i) In case of a misfire that can not be taken care of by a "tap and rack", the weapon shall be kept pointed down range for at least 10 seconds (in case of a delayed reaction) before opening the cylinder/slide. Never attempt to fire the next round without first checking the weapon.
- (j) No extra time will be given to a shooter who did not fire all of their rounds, unless a malfunction occurred that they could not reasonably have cleared.
- (k) All ammunition must be fired or returned. Empty brass and unfired ammunition remains the property of the department.
- (l) No shooter shall advance past the firing line to check or score targets until all weapons have been cleared and re-holstered and the Rangemaster has declared the line safe to advance.

306.4.3 HOLSTERS

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

306.4.4 TACTICAL LIGHTS

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

306.4.5 OPTICS OR LASER SIGHTS

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

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.

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- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

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

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

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

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306.5.3 ALCOHOL AND DRUGS

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

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

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

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 1. Unauthorized range make-up
 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action

306.7 FIREARM DISCHARGE

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

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

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

306.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

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

306.7.3 WARNING AND OTHER SHOTS

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

Warning shots shall not be used.

306.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Chief of Police after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by this Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service.

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The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Chief of Police documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Chief of Police.

306.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Buhl Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Buhl Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Buhl Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail the officer's itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of the officer's assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on the officer's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

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

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

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

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

306.11 DEPARTMENT / PERSONALLY OWNED PATROL RIFLES

In order to address more effectively and accurately the increasing level of fire power and body armor utilized by criminals suspects, the Buhl Police Department will make personally owned patrol rifles available to qualified Patrol Officers and an additional and more immediate tactical resource.

306.11.1 PATROL RIFLE

A patrol rifle is an authorized weapon that is owned by the department or personally owned by a sworn member of the department. These rifles are available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles

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may be carried by an officer for patrol duty until that officer qualifies with the weapon and that qualification is documented and approved by the range master.

306.11.2 RIFLE MAINTENANCE

The only ammunition authorized for patrol rifles is that which is issued by the Department.

306.11.3 TRAINING

- (a) Primary responsibility for maintenance of patrol rifles shall be the officer assigned to the weapon.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean their patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of a patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "OUT OF SERVICE" and details regarding the weapon's condition shall be included in the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or Department Firearms Instructor at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or Chief of Police.
- (g) Officers are responsible for the care and maintenance of any personally owned rifles that are approved for duty use.

306.11.4 DEPLOYMENT OF THE PATROL RIFLE

Officers shall not carry or utilize the patrol rifle unless they have successfully completed department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete annual training and qualification conducted by a certified patrol rifle instructor. Officers are required every three (3) years to retake the initial patrol rifle user course or a refresher user course. Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officer's user's course and qualification.

306.11.5 DISCHARGE OF THE PATROL RIFLE

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

- (a) Situations where the officer reasonably anticipates an armed encounter;
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range;

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- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower;
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage;
- (e) When an officer reasonably believes that a suspect may be wearing body armor;
- (f) When authorized or requested by a supervisor; and,
- (g) When needed to euthanize an animal.

306.11.6 RIFLE STORAGE

Any qualified officer carrying a personal patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" is one that has been inspected by the assigned officer and meets the following conditions:

- (a) The chamber is empty;
- (b) the rifle's action is closed;
- (c) The rifle safety is on;
- (d) There is a fully loaded magazine in the rifle with not more than 28 rounds; and,
- (e) the dust cover is closed.
- (f) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.
- (g) Personally owned patrol rifles may NOT be left in an assigned vehicle when not actively on duty

306.12 FIREARMS TRAINING RANGE

The Buhl Police Department Firearms Training Range is the responsibility of the department's firearms instructor. The Range is for the intended use of Buhl Police Department personnel. Outside agencies/officers may use the facility with the express permission of a Buhl Police Department firearms instructor or Chief of Police. In every case that the range is in use, a Buhl Police Department Firearms Instructor or a representative of the Buhl Police Department shall be present.

Keys to the range will be distributed to Buhl Police Department personnel on a need basis. Keys will not be copied or loaned to other agencies without the written authorization of the Chief of Police or a member of the Administrative Staff.

306.13 CARRYING RESTRICTIONS

All newly sworn officers shall complete a recruit training program prior to any routine assignment in any capacity in which the officer is allowed to carry a firearm or is in a position to make an arrest, except as part of a formal field training program.

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307.1 PURSUIT AND FAILURE TO YIELD DEFINED

PURSUIT: A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using high speed driving or otherwise evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

FAILURE TO YIELD: Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner (Idaho Code 49-625)

307.2 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where the policy of this department would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.2.1 DEFINITIONS

Definitions related to this policy include:

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

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

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

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

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law.

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (Idaho Code 49-623):

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

In addition, this exemption from following the rules of the road only applies when a member is operating an authorized emergency vehicle. The following policy is established to provide members with guidelines for driving with due regard and caution for the safety of all persons.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle and the violation is a **serious misdemeanor** (i.e Driving Under the Influence, Battery etc.; excluding **minor**

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traffic violations) and felony against persons; or there is danger of serious injury or death to the public or members if the violator is not apprehended, and such knowledge is known to the member prior to the pursuit. In order to diminish the likelihood of a pursuit, members intending to stop vehicle shall, when practicable, be within close proximity to the vehicle before activating the emergency lights and attempting to stop the violator.

A Vehicle pursuit is recognized as a valid law enforcement activity to attempt to apprehend a fleeing subject, under limited circumstances.

- Officer SHALL not pursue motorcycles even if the pursuit started in another jurisdiction and enters into the City of Buhl.
- Pursuit shall be discontinued- if the danger posed by the continued pursuit outweighs the danger to the public of allowing the suspect to evade immediate capture.
- in addition to violent felonies, a pursuit may be initiated or re-initiated at directions of a supervisor if the the driving behavior of the suspect, independent of police presence, continues to be an imminent threat to the public if not stopped.
- Pursuit itself cannot be used as sole justification for continuing the pursuit.
- Officer shall not become engaged in direct pursuit in any manor if transporting a prisoner.
- If hosting a citizen ride-along, officer shall relinquish their position in the pursuit as soon as practical.
- Unmarked police vehicles, motorcycles or specialty vehicles not equipped with the standard patrol package system, light bar, and siren meeting state code shall yield direct pursuit positions to equipped, marked patrol vehicles at the earliest opportunity.
- Any other police vehicle may remain as secondary officer if no equipped marked patrol vehicle are available.
- Officer(s) are allowed to assist in a pursuit as a secondary unit when another agency is asking for the assistance of the Buhl Police Department.
- Supervisor must be notified at the start of the pursuit and will monitor the pursuit.

The following factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

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- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the police vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

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

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) Distance between the pursuing vehicles and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

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- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or complete inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the member and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, member safety and the safety of the occupants of the fleeing vehicle.

Should high vehicles speeds be reached during a pursuit, members and supervisions shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- Are the pursuit speeds unsafe for the surrounding conditions?
- Are the speeds being reached beyond the driving ability of the member?
- Are the speeds beyond the capabilities of the police vehicle thus making its operation unsafe?

307.4 PURSUIT UNITS

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle).

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

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing

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vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

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

The primary pursuing officer should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

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- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.4.4 PURSUIT DRIVING TACTICS

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect.
- (d) Officers should notify the Idaho State Police and/or other agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

The primary and secondary units should be the only units operating under emergency conditions (blue light and siren) unless other units are assigned to the pursuit.

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307.4.6 PURSUIT TRAILING

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

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

307.4.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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 or not 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 has the authority to terminate the pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested if available and appropriate.

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- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Shift Supervisor is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Buhl Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.5.1 SHIFT SUPERVISOR RESPONSIBILITIES

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

The Shift Supervisor shall review all pertinent reports for content and forward them to the Uniform Patrol Sergeant.

307.6 SIRCOMM (SOUTHERN IDAHO REGIONAL COMMUNICATIONS CENTER)

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

307.6.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of nonemergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practical.
- (f) Notifying the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing 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.

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

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Buhl Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

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

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

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, officers from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Buhl Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

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

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

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

307.8 PURSUIT INTERVENTION

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

307.8.1 WHEN USE IS AUTHORIZED

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

307.8.2 USE OF FIREARMS

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

307.8.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used and in accordance with Idaho Code Section 19-620, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

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1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or others.
 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
 4. The suspect vehicle is stopped or traveling at a low speed.
 5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.

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4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

307.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.9 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures:

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved vehicles and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.

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- (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- 7. Arrestee information, if applicable.
- 8. Any injuries and/or medical treatment.
- 9. Any property or equipment damage
- 10. Name of supervisor at the scene or who handled the incident.
- 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all department officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.9.2 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

307.10 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

307.11 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate the pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:

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1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Idaho State Police or other agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the primary pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.11.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.11.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew 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 officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.11.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed

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otherwise by a supervisor. Uninvolved 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. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.12 LOSS OF PURSUED VEHICLE

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

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

308.1.1 POLICY

Often, because there are no other public or private agencies available, the public relies upon this department for assistance and advice in many routine and emergency situations. For this reason and because there is frequently a potential for crime, it is the policy of this department to make every reasonable effort to respond to calls for service as resources permit and to render such aid or advice as circumstances appear to indicate would be warranted.

When appropriate, officers should refer members of the public to available resources through other public agencies or charitable organizations.

308.2 RESPONSE TO CALLS

The Buhl Police Department recognizes the following radio "Code" definitions:

Code One - At your earliest convenience.

Code Two - As soon as practical, obeying all traffic laws.

Code Three - Emergency lights and siren and driving as authorized for an emergency vehicle by Idaho Code.

Code Four - The situation is under control and no further units should respond.

Code Four Adam - The situation is under control at this time, but is still volatile (usually by the suspect being present). Additional units should not respond but may stay in the area.

Code Two Status - May be used only by the supervisor and only in extreme circumstances. Advises dispatch to automatically hold all priority one calls and only dispatch priority two and three calls. Prohibits patrol units from taking breaks, making low-priority traffic stops or engaging in other low priority activities.

When a situation is not under control the officer shall either respond to the dispatch security check by saying, "Negative" or by requesting additional patrol officers and advising what level of response is appropriate. A "Negative" response shall mean that any other patrol officers who have already been dispatched to the call should continue, but no others should respond. If the officer on scene wishes for additional officers to respond, he/she should ask for them.

Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment and shall sound the siren.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. Officers who fail to use appropriate warning

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equipment, are not exempt from following the rules of the road nor is the driver of an authorized emergency or police vehicle relieved from the duty to drive with due regard for the safety of all persons.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of red lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify SIRCOMM (Southern Idaho Regional Communications Center).

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

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

308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify SIRCOMM (Southern Idaho Regional Communications Center). Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, SIRCOMM (Southern Idaho Regional Communications Center) shall be notified and the Shift Supervisor or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

308.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of lights and siren at the legal speed limit. In such an event, the officer should immediately notify SIRCOMM (Southern Idaho Regional Communications Center). An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

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308.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift Supervisor or a field supervisor prior to assigning units Code-3. The dispatcher shall:

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

308.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Shift Supervisor or the field supervisor shall verify the following:

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

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Shift Supervisor or the field supervisor should consider the following:

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

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308.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Shift Supervisor, field supervisor, or SIRCOMM (Southern Idaho Regional Communications Center) of the equipment failure so that another unit may be assigned to the emergency response.

Canines

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Uniform Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Shift Supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Supervisor.

The use of canine teams is restricted to assignments or functions that they are properly trained to perform.

309.4 CANINE COORDINATOR

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

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

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

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- (k) Must provide the Chief of police a report every month which includes; copies of training records, deployment logs and copies of any certification, ect.

309.5 REQUESTS FOR CANINE TEAMS

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

309.5.1 OUTSIDE AGENCY REQUEST

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

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATION

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

309.6 APPREHENSION GUIDELINES

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

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

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

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

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

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

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

309.6.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

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

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309.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

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

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

309.7 NON-APPREHENSION GUIDELINES

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

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

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

309.7.2 NARCOTICS DETECTION

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

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

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

309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

309.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.

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- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Buhl City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

309.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Buhl Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Supervisor.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Supervisor.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

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309.9.1 CANINE IN PUBLIC AREAS

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

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

309.10 CANINE INJURY AND MEDICAL CARE

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

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

309.11 TRAINING

Before assignment in the field, each Buhl Police Department canine team shall be trained and certified to meet current Idaho POST certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by Idaho POST (IDAPA 11.11.01.091).

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

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

309.11.1 CONTINUED TRAINING

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

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

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309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

309.11.3 TRAINING RECORDS

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

309.11.4 TRAINING AIDS

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

309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(g); Idaho Code 37-2743; Idaho Code 37-2747).

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

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

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

309.11.6 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Idaho Code 18-3321(1); 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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309.11.8 EXPIRATION OF CERTIFICATION

The canine coordinator is responsible to ensure that the canine team is evaluated prior to the expiration of their certification. Certification shall lapse if the handler and the dog cease to perform canine functions together (IDAPA 11.11.01.091).

Domestic Violence

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent, and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this [department/office] to take enforcement action when appropriate, to provide assistance to victims, and to guide officers in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

310.2 POLICY

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

310.3 OFFICER SAFETY

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

310.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or on-going domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Unit in the event that the injuries later become visible. The infliction of a traumatic injury may elevate a domestic violence from a misdemeanor to a felony (Idaho Code 18-918).
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (i) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. The following factors should not be used as sole justification for declining to take enforcement action:
 1. Whether the suspect lives on the premises with the victim
 2. Claims by the suspect that the victim provoked or perpetuated the violence
 3. The potential financial or child custody consequences of arrest
 4. The physical or emotional state of either party
 5. Use of drugs or alcohol by either party
 6. Denial that the abuse occurred where evidence indicates otherwise
 7. A request by the victim not to arrest the suspect
 8. Location of the incident (public/private)
 9. Speculation that the complainant may not follow through with the prosecution
 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect
 11. The social status, community status, or professional position of the victim or suspect
 12. Ensuring reports of domestic violence are provided to the Office/Records Manager for timely filing to the appropriate prosecuting attorney (Idaho Code 39-6316). See the Records Section Policy for additional guidance.
- (j) Calls involving [department/office] members should be handled consistent with the requirements of this policy and in the same manner as calls that do not involve [department/office] members. Officers responding to a member-involved call should

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notify a supervisor as soon as reasonably practicable. Supervisors should respond to the scene, as necessary, and ensure that the Shift Supervisor is notified of the incident. No special consideration shall be given to members involved in these incidents.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the [department/office]'s domestic violence victim information handout, even if the incident may not rise to the level of crime.
- (c) Alert the victim to any available victim advocates, shelters, and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if they have sustained injury or complains of pain.
- (f) Ask the victim whether they have a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

310.6 DISPATCH ASSISTANCE

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

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Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order (Idaho Code 18-922; Idaho Code 18-7907).

310.7 FOREIGN COURT ORDERS

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

310.8 VERIFICATION OF COURT ORDERS

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

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

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

310.9 TRAINING

Officers shall receive periodic training on this policy.

Search and Seizure

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

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

311.3 SEARCHES

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

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

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

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

Additional exceptions may include:

- Pat-down weapon searches (i.e., stop and/or frisk).
- Crime scenes (i.e., protective sweep).
- Inventory of property per the Vehicle Towing Policy and the Custodial Searches Policy.
- Plain view.
- Emergency aid.

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- Other situations authorized by state, federal, and tribal constitutional provisions.

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

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

311.4 SEARCH PROTOCOL

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

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

311.5 DOCUMENTATION

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

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

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

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) except for providing commercial sexual activity as defined in Idaho Code 18-5613. It also includes unlawful possession of a handgun under Idaho Code 18-3302F (28 CFR 31.303).

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

Safety checks - Direct visual observation by a member of this [department/office] performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

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- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Buhl Police Department. These include:

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

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation. These juveniles should not be held at the [Department/Office] unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

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312.4 CUSTODY OF JUVENILES

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

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

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to another authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the [Department/Office] (34 USC § 11133).

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

A status offender may be taken into custody pursuant to a court order or without a court order when there are reasonable grounds to believe that the juvenile has committed a status offense (e.g., truancy, alcohol violations related to age, running away, and curfew violations) (Idaho Code 20-516).

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody and shall not be placed in an adult jail or juvenile detention center (34 USC § 11133; Idaho Code 20-516).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

Generally, juvenile offenders may be taken into custody (Idaho Code 20-516):

- (a) Without a warrant when there is probable cause to believe the juvenile has committed an act which would be a misdemeanor or felony if committed by an adult.
- (b) When, in the presence of an officer or private citizen, the juvenile has violated any local, state, or federal law or municipal ordinance.
- (c) Upon written order or warrant signed by a judge (such as a detention order).

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The officer taking a juvenile offender into custody shall release the juvenile to the custody of the juvenile's parents, guardian, or other responsible person in this state, unless the court has issued a warrant of arrest/detention or it appears to the officer that the welfare of the juvenile or others may be endangered by the juvenile's release (Idaho Code 20-516).

312.5 ADVISEMENTS

As soon as practicable after a juvenile offender is taken into custody, the officer shall notify the parents, guardian, or other person responsible for the juvenile (Idaho Code 20-516).

If an officer takes a juvenile offender into custody, the officer shall (Idaho Code 19-6010):

- (a) Promptly and clearly inform the juvenile offender of the right to an attorney and the right of an indigent person to be represented by an attorney at public expense.
- (b) If the juvenile offender does not have an attorney, notify the indigent defense provider or trial court that the juvenile is not represented.

312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the [Department/Office], the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the [Department/Office].
- (c) Shift Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor should initial the log to approve the custody, including any secure custody, and should also initial the log when the juvenile is released.

312.7 NO-CONTACT REQUIREMENTS

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the [Department/Office] shall maintain a constant, immediate side-by-side presence with the juvenile or the adult to minimize

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any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

312.8 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the [Department/Office] more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the [Department/Office] more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A staff member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets should be provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as an adult in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

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312.9 USE OF RESTRAINT DEVICES

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

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

Juveniles in restraints shall be kept away from other unrestrained juveniles and monitored to protect them from abuse.

312.9.1 PREGNANT JUVENILES

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

312.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

312.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile offender is a serious risk of harm to themselves or others.

Members of this [department/office] should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile offender in non-secure custody should be considered as the method of secure custody. A member must be present at all times to monitor the juvenile offender while secured to a stationary object.

Generally, juvenile offenders should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile offender to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

312.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile offender into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the area should be photographed and documented.

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The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile offender shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile offender shall have constant auditory access to [department/office] members.
- (d) The juvenile offender's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by [department/office] members shall occur no less than every 15 minutes.
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile offender as to their well-being.
 - 3. Juvenile offenders who are sleeping or apparently sleeping should be awakened.
 - 4. Requests or concerns of the juvenile offender should be logged.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juvenile offenders shall not be placed in a cell or room with unrestrained juvenile offenders.

312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

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

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Supervisor, Chief of Police, and Investigation Sergeant
- (c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the [MedicalExaminer/JOP]
- (g) Notification of the juvenile court
- (h) Evidence preservation

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312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

312.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed or fingerprinted in connection with being taken into custody (Idaho Code 20-516).

312.15 RECORDS OF JUVENILES

Records of juveniles shall be kept separate from records of adults and shall be subject to disclosure according to Chapter 1, Title 74 of the Idaho Code (Idaho Code 20-516).

312.16 RELIGIOUS ACCOMMODATION

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

312.17 TRAINING

[Department/Office] members should be trained on and familiar with this policy and any supplemental procedures.

Adult Abuse

313.1 PURPOSE AND SCOPE

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

313.1.1 DEFINITIONS

Definitions related to this policy include:

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

313.2 POLICY

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

313.3 MANDATORY NOTIFICATION

Members of the Buhl Police Department shall notify the Idaho Commission on Aging (ICOA)'s local adult protective services provider when there is reasonable cause to believe that maltreatment of a vulnerable adult has occurred (Idaho Code 39-5303).

The following definitions apply to mandatory notification (Idaho Code 39-5302):

- Neglect means failure of a caregiver to provide food, clothing, shelter, or medical care, the absence of which impairs or threatens sustainable life or health of a vulnerable adult.
- Financial exploitation means an action which may include but is not limited to the illegal or improper use, control, or withholding of a vulnerable adult's financial assets by another person for profit or advantage other than the vulnerable adult's profit or advantage.
- Maltreatment means the intentional or negligent infliction of pain or injury upon a vulnerable adult, including financial exploitation, human trafficking, neglect, physical abuse, psychological abuse, or sexual abuse.
- Vulnerable adult is an adult who is unable to protect themselves from abuse, neglect, or financial exploitation due to:
 - A mental, physical, or developmental disability.
 - A degenerative brain disease.
 - An inability to communicate or implement decisions regarding the vulnerable adult's person.
 - Other infirmities of aging if the person is 65 years of age or older.

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313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Idaho Code 39-5304):

- (a) All notifications to ICOA or the appropriate adult protective services provider shall be made within 24 hours of receiving the information.
- (b) Information provided shall include, if known:
 - 1. Name and address of the vulnerable adult.
 - 2. Name and address of the caregiver.
 - 3. Name and address of the alleged perpetrator.
 - 4. The nature and extent of the suspected maltreatment.
 - 5. Any other information that will be of assistance to an investigation.
- (c) Notification shall be made within four hours of receiving the information to the law enforcement agency having jurisdiction over the criminal investigation if other than the [Department/Office] if the maltreatment resulted in death or serious physical injury (Idaho Code 39-5303).

313.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Idaho Code 39-5308).

313.5 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

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- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for themselves, the officer should make reasonable attempts to contact an ICOA adult protective services provider. Generally, removal of an adult abuse victim from their family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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

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

313.6.1 ICOA ASSISTANCE

An officer shall cooperate with ICOA and adult protective services providers when assistance is requested and the officer reasonably believes an emergency exists which requires immediate

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entry on public or private property to ensure the safety of a vulnerable adult who is allegedly being maltreated. Assistance may also include transporting the vulnerable adult to a medical facility, care-providing facility, or other appropriate and safe environment (Idaho Code 39-5305).

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

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

313.8 MEDICAL EXAMINATIONS

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

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

313.9 DRUG-ENDANGERED VICTIMS

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

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313.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including ICOA, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

313.9.2 OFFICER RESPONSIBILITIES

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

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

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Idaho requires or permits the following:

313.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the adult abuse report as required by law (Idaho Code 39-5307).
- (b) Retaining the original adult abuse report with the initial case file.

313.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Idaho Code 39-5307).

313.11 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.

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- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

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

314.2 POLICY

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

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

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

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

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

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

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314.3.2 RETALIATION

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

314.3.3 SEXUAL HARASSMENT

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

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

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

314.3.4 PROCEDURE / INVESTIGATION OF COMPLAINT OR REPORTING HARASSMENT

Any member of the Buhl Police Department who believes he or she has been subjected to harassment may bring a complaint, either verbally or in writing, to their immediate supervisor. If the facts of the complaint conflict with presenting the issue through the normal chain of command, members may bring the complaint directly to the Chief of Police, or the city Mayor.

Any Supervisor receiving a complaint of harassment shall bring the complaint immediately to the attention of the Lieutenant and Chief of Police. Complaints of harassment will be investigated as expeditiously and professionally as possible in the interest of maintaining confidentiality and protecting the integrity of all parties involved. Where investigations confirm the allegations, appropriate corrective action will be taken. An employee found to be in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

314.3.5 ADDITIONAL CONSIDERATIONS

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

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

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314.3.6 HARASSMENT

The Buhl Police Department recognizes that all its employees, regardless of their status of employment, have the right to in an environment free from ridicule, intimidation or harassment based on sex, race, color, age, religion, national origin, or disability. Members of the Buhl Police Department will avoid offensive or inappropriate behavior at work and will be held responsible for insuring the the work place is free from all types of harassment. This would include:

- (a) Ethic slurs, racial joke, verbal/physical abuse or other offensive or persistently annoying conduct directed at someone's race, color national origin, age, religious beliefs, ethic background or disability which:
 - 1. Has the effect or purpose of creating an intimidation or hostile environment;
 - 2. Unreasonably interferes with an individual's work performance; or,
 - 3. Otherwise adversely affects an individual's employment opportunities.
- (b) Harassment shall also include any act or retaliation taken against any person bringing a complaint of harassment or assisting another person or participation in such an act, during an investigation of a possible unlawful act of employment discrimination.

314.4 RESPONSIBILITIES

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

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

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

314.4.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.

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- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based on all available facts.
- (f) Notifying the Chief of Police or the Mayor and City Clerk in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

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

314.4.3 QUESTIONS OR CLARIFICATION

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

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

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

314.5.2 FORMAL INVESTIGATION

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

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

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

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

314.5.3 ALTERNATIVE COMPLAINT PROCESS

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

314.6 DOCUMENTATION OF COMPLAINTS

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

- (a) Approved by the Chief of Police, the City Mayor, or the Mayor and City Clerk, depending on the rank of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION

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

314.7 TRAINING

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

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

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314.8 ADDRESSING RACIALLY BIASED POLICING & PERCEPTIONS THEREOF

The Buhl Police Department is committed to unbiased policing. This policy is intended to reaffirm and clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

314.8.1 POLICING IMPARTIALLY

Investigative detentions, traffic 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 U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.

314.8.2 PREVENTING PERCEPTIONS OF BIASED POLICING

In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting pedestrian and vehicle stops:

- Pedestrian and vehicle stops will be transmitted via voice communication over the radio. Further, activities such as field interviews or potential enforcement actions shall also be relayed by voice communications. These voice communications shall include the stop location, license plate number and state of issue and the general vehicle description.
- Be courteous and professional.
- Introduce him- or herself to the citizen (providing name and agency affiliation).
- State the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking the driver his or her license and registration.
- Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense and that the citizen understands the purpose of reasonable delays.

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- Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.
- Provide his or her name and badge number when requested, in writing or on a business card.
- Apologize and/or explain if he or she determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

Child Abuse

315.1 PURPOSE AND SCOPE

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

315.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

315.2 POLICY

The Buhl Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the Department of Health and Welfare is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Buhl Police Department shall notify the Department of Health and Welfare when they have received a report of abuse, abandonment or neglect of a child or there is reason to believe that a child has been abused, abandoned or neglected, or an officer observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect (Idaho Code 16-1605(1)).

For purposes of notification, abuse includes injuries without a justifiable explanation and sexual conduct (e.g., rape, molestation, incest, other sexual exploitation). Abandonment and neglect include failure to provide support, regular contact, care, subsistence, medical care, etc. (see Idaho Code 16-1602 for full definitions).

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Idaho Code 16-1605):

- (a) Notification shall be made as soon as practicable but in all cases within 24 hours to the Department of Health and Welfare.
- (b) The date and time of the notification shall be documented in the related report.

315.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in child appropriate interview facilities.

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- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Idaho Code 16-1617).

315.5 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

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315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the Department of Health and Welfare. Generally, removal of a child from their family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this [department/office] should remove a child from their parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the Department of Health and Welfare.

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

A child may be removed from a parent or guardian only pursuant to a court order or without a court order when (Idaho Code 16-1608; Idaho Code 18-5613):

- (a) The child is endangered and prompt removal is necessary to prevent serious physical or mental injury.
- (b) The child has been abandoned as defined in the Idaho Safe Haven Act (Idaho Code 39-8203).
- (c) The child has been subjected to commercial sexual exploitation.

315.6.1 PROCEDURE

When a child is taken into emergency protective custody without a court order, the officer shall immediately take the following actions (Idaho Code 16-1609):

- (a) Take the child to a place of approved shelter.
- (b) Notify the court of the action taken and the place to which the child was taken.
- (c) Except in the case of child abandonment pursuant to the Idaho Safe Haven Act, notify each of the parents, guardian or other legal custodian that the child has been taken into shelter care, the type and nature of shelter care, and that the child may be held for a maximum of 48 hours, excluding Saturdays, Sundays and holidays, and that within which time there must be a shelter care hearing pursuant to Idaho Code 16-1615.

315.6.2 SAFE HAVEN ACT PROVISIONS

If a child has been abandoned pursuant to the Idaho Safe Haven Act, the investigating officer shall take protective custody of the child, immediately notify the Department of Health and Welfare and transfer the child to their custody. If the child requires medical evaluation, the child shall be left

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in the care of a hospital. The officer shall notify the court and prosecutor of the action taken and the location of the child (Idaho Code 39-8204).

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

315.7.3 AUDIO AND VIDEO RECORDING OF INVESTIGATIVE INTERVIEWS

Unless otherwise demonstrated by good cause, all investigative interviews of alleged child abuse victims shall be documented by audio or video recording (Idaho Code 16-1618).

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

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315.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Unit Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the Department of Health and Welfare, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Unit Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

315.9.2 OFFICER RESPONSIBILITIES

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

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

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Idaho requires or permits the following:

315.10.1 PROCESSING REPORTS AND RECORDS

The Office/Records Manager shall submit to the Idaho Attorney General a report of each reported child sexual abuse incident. The report shall contain such information as specified by the Attorney General (Idaho Code 67-1405(1)).

315.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Idaho Code 74-105(1)).

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315.10.3 MULTIDISCIPLINARY TEAM PROTOCOLS

The Detective Unit Supervisor should ensure that department members have access to the appropriate written protocols for multidisciplinary teams investigating child abuse cases (Idaho Code 16-1617).

315.11 TRAINING

The [Department/Office] should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 1. Out of the zone of safety for their chronological age and developmental stage
 2. Mentally or behaviorally disabled
 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 4. Absent from home for more than 24 hours before being reported to law enforcement as missing
 5. In a life-threatening situation
 6. In the company of others who could endanger their welfare
 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person that is less than 18 years of age who is reported to the Department as abducted, lost, or as a runaway (Idaho Code 18-4508(2); Idaho Code 18-4508(3)).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the Idaho Public Safety and Security Information System (ILETS), and the Idaho Missing Person Clearinghouse.

316.2 POLICY

The Buhl Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Buhl Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

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316.2.1 NCIC ENTRY MISSING PERSONS

- (a) Missing person(s) 20 and younger will be entered into NCIC immediately and in all cases no later than two hours from the time the initial report was made.
- (b) Missing person(s) that are critical (children, elderly, foul play, out of character, etc) will be entered into NCIC immediately.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing Person Report Form
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.4.1 ACTIONS UPON DETERMINATION OF RISK FACTORS

- (a) If it is determined risk factors are involved in the report of a missing child, the child will be considered at risk, and an expanded investigation, including the use of all appropriate resources, will immediately commence. While all missing-child incidents should be thoroughly investigated, those involving risk factors indicate a heightened likelihood of danger to the child and, therefore, require an intensive response.
- (b) Once notified a missing child is considered at risk, a supervisor shall immediately report to the scene. Once the supervisor concurs the missing child meets the at risk criteria, notification will be made to the Chief of Police.

316.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable.

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- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 18 years of age or there is evidence that the missing person is at risk. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 - 1. Immediately, when the missing person is under the age of 18 or at risk.
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.

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- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Detective Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Idaho to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 DETECTIVE UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that an Idaho elementary or secondary school is immediately notified when an enrolled child is reported missing (Idaho Code 18-4509(2)).
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the Idaho Missing Person Clearinghouse, the ILETs, the NCIC and any other applicable missing person networks within 30 days of the original entry

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into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the [MedicalExaminer/JOP].
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Idaho State Police and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

An officer or investigator assigned to the recovery or return of a missing child shall:

- (a) Verify the located child is, in fact, the reported missing child.
- (b) Secure intervention services, if appropriate.
- (c) Arrange the return of the child to his or her legal guardian or an appropriate shelter in the case of a runaway or missing child from within department jurisdiction who has been located and who is not wanted on a warrant or other law violation.
- (d) Place the child in custody and transport him or her to the appropriate facility for admission in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing-person "hit" is verified.
- (e) Conduct an interview with all runaway children and complete a return interview questionnaire.
- (f) Complete the appropriate supplemental reports and cancel all outstanding notifications. All supplemental reports should be completed describing the child's activities while missing and circumstances of the recovery/return.

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The Office/Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to Idaho State Police.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks, including immediately in NCIC.
- (d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Buhl or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Chief of Police should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)

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3. Confirming missing status and custody status of minors
 4. Evaluating the need for a heightened response
 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
 - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
 - (d) Verifying the accuracy of all descriptive information.
 - (e) Initiating a neighborhood investigation.
 - (f) Investigating any relevant recent family dynamics.
 - (g) Addressing conflicting information.
 - (h) Key investigative and coordination steps.
 - (i) Managing a missing person case.
 - (j) Additional resources and specialized services.
 - (k) Update procedures for case information and descriptions.
 - (l) Preserving scenes.
 - (m) Internet and technology issues (e.g., Internet use, cell phone use).
 - (n) Media relations.

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 AMBER ALERTS

The Idaho AMBER Alert™ system disseminates accurate information statewide, as quickly as possible, about the disappearance of a child. The broadcast contains descriptive information that can readily identify the child and the abductor.

317.3.1 ALERT CRITERIA

An AMBER Alert should only be implemented in the following cases:

- (a) The initial investigation indicates that the child is known or suspected to have been abducted.
- (b) The abduction occurred within 12 hours of the initial activation of an AMBER Alert.
- (c) The child is under 18 years of age.
- (d) The initial investigation indicates that the child is in imminent danger of serious bodily harm or death.
- (e) There must be enough descriptive information to believe that an AMBER Alert will assist in the recovery of the child and must include as much of the following information as possible:
 1. Abduction location and time
 2. Where the child was last seen
 3. Physical and clothing description of the abducted child
 4. Suspect vehicle information
 5. Physical description of the suspect

The missing child must be entered into the National Crime Information Center (NCIC) database.

317.3.2 PROCEDURE

Upon initiation of an AMBER Alert, the Shift Supervisor or supervisor should:

- (a) Ensure prompt entry of information into the ILETS and NCIC databases.

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- (b) Ensure the preparation of an initial press release that includes all pertinent information and any other available information that might aid in locating the child, such as:
 - 1. A photograph.
 - 2. Details regarding the location of the incident, direction of travel, or potential destinations, if known.
 - 3. Name and telephone number of the Chief of Police or other authorized point of contact to handle media and law enforcement liaison regarding the alert.
 - 4. A telephone number and point of contact for the public to call with leads or information.
- (c) Consider the following resources or contacts if direct action is dictated by the circumstances:
 - 1. National Center for Missing and Exploited Children (NCMEC) 800-843-5678
 - 2. Local allied law enforcement agency resources
 - 3. FBI local office
- (d) The investigation unit supervisor or other individual responsible for making notifications shall prepare and distribute follow-up press releases with updates regarding the search and investigation.

317.4 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a peace officer or when a peace officer becomes missing in the line of duty under circumstances warranting concern for the officer's safety (Idaho Code 67-2920).

317.4.1 CRITERIA

A Blue Alert may be activated if all of the following criteria are met (Idaho Code 67-2920):

- (a) A peace officer has been killed, seriously injured, or is missing in the line of duty under circumstances warranting concern for his/her safety.
- (b) The suspect has not been apprehended and may be a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public that could assist in locating the suspect or the missing peace officer.

317.4.2 PROCEDURE

The supervisor should notify the Idaho State Police to request activation of a Blue Alert after verification of all criteria has been met. The request should include information about the appropriate boundaries of the alert, based on information about the suspect and the nature of the crime or the last known location of the missing officer (Idaho Code 67-2920).

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Public Alerts

317.5 ENDANGERED PERSON ALERTS

The endangered person alert program is a system of voluntary cooperation between broadcasters, cable systems, and local and state agencies to enhance the public's ability to assist in recovering missing and endangered persons (Idaho Code 67-2922).

317.5.1 CRITERIA

A missing person qualifies for an endangered person alert if the person (Idaho Code 67-2922):

- (a) Is a temporary or permanent resident of Idaho.
- (b) Cannot be located by people familiar with the missing person.
- (c) Meets one of the following criteria:
 1. Incapable of returning home without assistance by reason of mental illness, intellectual disability, dementia, some other form of incapacity, or weather conditions.
 2. Abduction (but does not meet the criteria for an AMBER Alert or Blue Alert).
 3. Missing under unexplained, involuntary, or suspicious/dangerous circumstances (e.g., crime victim, threat recipient).
 4. Needs medical attention or medication.

317.5.2 PROCEDURE

An endangered person alert may be initiated by contacting the Idaho State Police and following any associated protocol.

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Buhl Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Buhl Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Buhl Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison should ensure that the Department affords victims the rights as described in Idaho Code 19-5306.

The victim liaison should also ensure that victims of sexual assault (or their parents or guardians when applicable) are notified of the following upon written request (Idaho Code 67-2919).

- (a) When a sexual assault evidence kit is submitted to the Idaho State Police Forensic Services Laboratory.
- (b) When a related sample DNA profile is entered into the Idaho DNA database.
- (c) When a DNA match has occurred (notification should not contain any genetic or other identifying information).
- (d) When there is any change in the status of the case or reopening of the case.

318.4 CRIME VICTIMS

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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Victim and Witness Assistance

318.4.1 VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT REQUIRED HANDOUTS

Officers shall provide all victims of domestic violence or sexual assault with the applicable victim information on the availability of a shelter or other resources in the community and any written notices provided by the Idaho State Police (Idaho Code 39-6316).

318.5 VICTIM INFORMATION

The Administration Sergeant shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained (Idaho Code 18-7907; Idaho Code 39-6308; Idaho Code 18-920).
- (e) Information regarding available compensation for qualifying victims of crime (Idaho Code 72-1001 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number and any applicable case or incident number.
- (j) All victim information required by Idaho Code 39-6316(2), including information about requesting the prosecuting attorney to file charges, protective orders and the right to sue for losses suffered as a result of abuse.
- (k) Information to victims of domestic violence indicating that they may have their address protected from disclosure on their voter registration card per Idaho Code 74-106.
- (l) An explanation of the rights of victims during an investigation, prosecution and disposition of a crime under Idaho Code 19-5306.
- (m) Information about the address confidentiality program (Idaho Code 19-5703).

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Victim and Witness Assistance

318.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Malicious Harassment

319.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by fear, intimidation, harassment, and physical harm, this department will utilize all available resources to see that justice is served under the law. This policy provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.2 DEFINITIONS

Malicious Harassment - It is unlawful for any person, maliciously and with specific intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim, to:

- (a) Cause physical injury to another person; or
- (b) Damage, destroy, or deface any real or personal property of another person; or
- (c) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur.

For purposes of this section, "deface" shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission (Idaho Code 18-7902).

319.3 CRIMINAL STATUTES

Idaho Code 18-7902 - Prohibits the malicious and intentional intimidation or harassment of another person because of that person's race, color, religion, ancestry, or national origin.

Idaho Code 18-7902(a) - Prohibits causing physical injury to another person.

Idaho Code 18-7902(b) - Prohibits damaging, destroying, or defacing any real or personal property of another person.

Idaho Code 18-7902(c) - Prohibits threatening, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in Idaho Code 18-7902(a) and (b) will occur.

18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on circumstances.

319.4 PENALTIES - CIVIL AND CRIMINAL

Idaho Code 18-7903:

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- (a) Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed five (5) years or by fine not exceeding five thousand dollars (\$5,000) or by both.
- (b) In addition to the criminal penalty provided in subsection (a) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for both special and general damages, including but not limited to damages for emotional distress, reasonable attorney fees and costs, and punitive damages.
- (c) The penalties provided in this section for malicious harassment do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

319.5 PREVENTING AND PREPARING FOR LIKELY MALICIOUS HARASSMENT

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely Malicious Harassment by among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of Malicious Harassment to form and cooperate with prevention and response networks.
- (b) Monitor evolving racial and ethnic tensions.
- (c) Support the development of policies, practices, and procedures to respond to Malicious Harassment led by local officials and community leaders.
- (d) Coordinate training workshops and community dialogs between law enforcement and residents on Malicious Harassment recognition, prevention, information sharing, and education; enlist support from the community, in identifying victims and developing information sources.
- (e) Provide public awareness and education programs for the media and community groups on responses to Malicious Harassment.

319.6 PROCEDURE FOR INVESTIGATING MALICIOUS HARASSMENT

Whenever any member of this department receives a report of a suspected Malicious Harassment or other activity that reasonably appears to involve a potential Malicious Harassment, the following should occur:

- (a) Officers will be promptly assigned to secure the scene and possible evidence, contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take

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all reasonable steps to preserve available evidence that may tend to establish that a Malicious Harassment was involved.

- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a Malicious Harassment. The officer(s) will request the assistance of translators when needed and record if the victim and offender were from different racial, religious, ethnic/national origin, sexual orientation or gender groups. Property damage involving malicious harassment will be photographed, and any physical evidence will be collected per policy of this department.
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of Malicious Harassment in the relevant report(s). All related reports will be clearly marked as "Malicious Harassment" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) should make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations and giving victim(s) police contact information so that he/she can obtain further information as the case develops.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

319.6.1 FOLLOW-UP RESPONSIBILITY

If a case is assigned to the Detective Unit, the assigned detective will be responsible for following up on the reported Malicious Harassment as follows:

- (a) Coordinate further investigation with the Prosecuting Attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Complete a detailed report and forward a copy to the Records Section.

The Records Section will maintain statistical data on suspected Malicious Harassment and report such data to the director of the Idaho State Police (Idaho Code 67-2915).

319.7 TRAINING

All members of this department should receive training on recognition and investigation of crimes related to malicious harassment during the Field Training Officer program and during in-service training sessions.

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320.1 STANDARDS OF CONDUCT

Law enforcement personnel are the most conspicuous representatives of the City of Buhl and the public closely scrutinizes their conduct. The public expects employees to follow laws, rules, and regulations while providing reliable services and meeting the highest standards of law enforcement. The public demands that employees be fair and honest when engaging the people they serve and their fellow employees. Employees are also expected to conduct their duties and personal affairs in a manner that earns the respect, credibility and confidence of the community they serve and protect.

This code of conduct establishes the expected behavioral standards for all employees. The Buhl Police Department sets these requisite standards of conduct so that employees do not bring discredit to themselves, the department or the City of Buhl. Members shall not fail, either on or off duty, to follow any of the policies, procedures, rules or regulations in this manual. The topic of ethics and employee conduct should be covered during department training. All employees will be required to review and acknowledge this policy on an annual basis.

320.1.1 LAW ENFORCEMENT CODE OF ETHICS

"As a Law Enforcement officer, my fundamental duty is to serve the community; safeguard life 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 to liberty, equality and justice."

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

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

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

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

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

320.2 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Buhl Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.3 POLICY

The continued employment or appointment of every member of the Buhl Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.4 TRAINING

Employees of the Buhl Police Department should receive regular training on the topics covered in this conduct policy by incorporating the elements of the policy into regular meetings, in-house training, field training, and any activities where reinforcement of the policy are practical. Training regarding the conduct policy should emphasize the importance of the policy and should be repeated regularly.

320.5 PERSONNEL EARLY WARNING SYSTEM

The Buhl Police Department, in keeping with the demands of the community for professional police services, has established the "Personnel Early Warning System". It is the intent of this system to provide the department the opportunity to intervene quickly when potential personnel problems surface. It is designed to note patterns of behavior that might dictate departmental intervention into a member's performance.

1. The following types of complaints will be documented by all supervisors and provided to the Chief of Police, who will keep a current list of such reporting. This list is to be made of ALL sustained complaints or work performance issues as identified.

- (a) Less than satisfactory Employee Evaluations;
- (b) Disciplinary actions, both verbal and written;
- (c) Use of Force incidents;
- (d) Internal Affairs investigations;
- (e) Worker's Compensation claims;
- (f) At fault traffic accidents;
- (g) Any pattern identified that indicates unacceptable behavior or performance.

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2. Members who have had multiple allegations made against them as described above will be tracked on an escalating pattern list, to be maintained by the Chief of Police. Criteria for being on the list will be as follows:

- (a) Two or more Internal Affairs investigations within a 12-month period;
- (b) Any sustained allegations against a member totalling three (3) or more within a 12-month period. (These can be a combination of Internal Affairs investigations or other complaints).

3. The Chief of Police will then notify the member's Sergeant about the allegations. Those supervisors will then evaluate the circumstances which led to the member being placed on the escalating pattern list and recommend follow-up with the member. Actions such as unfounded, counseling, remedial training, traumatic incident activation, employee assistance program activation, ect., will be considered on a case-by-case basis. The supervisors handling the inquiry will generate a written response to the Chief of Police. That written response will be, after review and acceptance by the Chief of Police, kept with the member's record. The member will be removed from the escalating pattern list when he/she does not meet the guidelines set forth in this policy, since each allegation will be removed from consideration under this policy after a period of one year.

4. The Chief of Police will annually review the Personnel Early Warning System records.

320.6 IMMORAL CONDUCT

Members of the Buhl Police Department shall maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any act that may impair their ability to perform their duties as an employee of the Buhl police Department that may reflect negatively upon the Department's efficiency or effectiveness or that brings the department into disrepute.

320.7 TRUTHFULNESS, LOYALTY, AND COURTESY

Members of the Buhl Police Department shall always speak the truth regarding police matters.

Members of the Buhl Police Department shall be faithful to their Oath of Officer, principals of public service, and goals of the Buhl Police Department. They shall not allow personal motives to govern their decisions and conduct in discharging their duties.

Members of the Buhl Police Department shall be courteous, respectful and civil to the public and their fellow employees, listening to and properly answering all inquiries.

- (a) **Courteous Manner.** Members shall be tactful on their duties, control their temper, use the utmost patience and discretion, and engage in argumentative dialogue even in the face of strong provocation. They shall avoid using profane, coarse or imprudent language or gestures.
- (b) **Courteous Demeanor.** Members shall develop a fair, impartial and reasonable attitude, posture and manner of speech that does not intentionally antagonize, insult, defame or degrade any person, race, religion, nationality or culture.

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- (c) **Courteous Demeanor.** Members shall undergo their tasks in a businesslike manner, keeping statements to the public free from personal opinion, bias or editorial comment.

320.8 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.8.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

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

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

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

320.8.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

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320.9 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Idaho constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.10 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.10.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.10.2 ETHICS

- (a) Using or disclosing one's status as a member of the Buhl Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

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320.10.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.10.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.10.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.10.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal

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or financial gain or without the express authorization of the Chief of Police or the authorized designee.

- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.10.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.10.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

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- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

320.10.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

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- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.10.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.10.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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320.11 INSUBORDINATION

Insubordination shall be defined as the failure to obey any proper and legal direction of a Supervisor, or Commanding Officer, or employee of higher rank than oneself. Any of the following acts shall also constitute insubordination.

- (a) The use of derogatory remarks or criticism directed toward or about a superior officer or employee of higher rank than oneself.
- (b) Inducing or trying to induce another Buhl Police Department employee to participate in any of the above listed actions.

320.12 REPORTING OF EMPLOYEE CHARGES OR CONVICTIONS

All prospective employees shall disclose any previous law enforcement contacts in which there were a suspect prior to being hired. Once hired, employees shall promptly notify their immediate supervisor verbally or in writing of any current criminal investigation or arrest in which they are or were a suspect, victim, or material witness regardless of the outcome of the investigation. All employees shall further promptly notify their immediate supervisor verbally or in writing if the employee becomes the subject of a domestic violence restraining order or similar court order as certain charges or convictions may restrict or prohibit an employee's ability to properly perform official duties. Any employee whose criminal conviction unduly restricts or prohibits that employee from fully performing his/her duties may be disciplined, including-but not limited to-being placed on administrative leave, reassignment, and/or termination. Any employee failing to provide prompt verbal or written notice pursuant to this policy shall be subject to discipline. As required by IDAPA, the Chief of Police shall notify the POST Division Administration within 14 days of learning of certain charges.

320.13 UNBECOMING CONDUCT

The term "Unbecoming Conduct" refers to improper and unacceptable behavior of an officer or employee of the Buhl Police Department, either on or off duty. Conduct not specifically mentioned herein but tending to bring discredit to you personally or to the Buhl Police Department may also be just cause for disciplinary action.

- (a) Failure to obey laws of the United States, the State of Idaho, the City Buhl and the County of Twin Falls or of any jurisdiction in which an employee may enter, either on or off duty.
- (b) Conviction of any felony or misdemeanor crime within the United States.
- (c) Membership in any organization which advocates any illegal activities or overthrowing the government.
- (d) Any attempt in which an employee uses, threatens to use, or tries to use personal or political influence to secure a promotion, transfer or any other employee benefits.
- (e) Being offensive through language or conduct in public or to any other person without justifiable cause.
- (f) Engagement in any personal or outside business activities while on duty or use of departmental property or services for such activities.

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- (g) Intentional association with known criminal offenders or persons engaged in criminal activities, except in the course of official duty.
- (h) failure to treat the official business of the Buhl Police Department as confidential or revealing information contrary to law or requirements of this manual.

320.14 UNAUTHORIZED USE OF TIME

Inappropriate use of duty time may also be just cause for disciplinary action. including but not limited to the following:

- (a) **Tardiness:** Members shall report promptly for duty or to assigned tasks.
- (b) **Attentiveness:** Members shall not be inattentive to duties by laziness, absence from assigned post, sleeping on duty, taking excessive time for breaks, or other unauthorized use of time.

Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Buhl Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 POLICY

It is the policy of the Buhl Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide an agency service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

321.6 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

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It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

Report Preparation

322.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

322.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

322.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate approved form unless otherwise approved by a supervisor.

322.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee shall document the incident regardless of whether a victim desires prosecution. This shall include all department members and Officer from other agencies who are on scene whether they were the primary officer or an assisting officer.

- (a) All Arrests
- (b) All felony crimes to include Child Enticement and Kidnapping.
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force
 - 2. Domestic Violence

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3. Child Abuse
 4. Adult Abuse
 5. Malicious Harassment
- (e) All misdemeanor crimes where the victim desires a report.
 - (f) Misdemeanor crimes where the victim does not desire a report shall be documented.
 - (g) In every instance when an officer conducts a search of a residence or vehicle.
 - (h) In every instance when property is damaged or reasonably thought to be damaged by law enforcement actions.

322.2.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate approved report include:

- (a) Any time a person points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above minimum reporting level (see the Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may place the public or others at risk.
- (h) All protective custody detentions.
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.
- (j) Narcan documentation of use.

322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. In all instances, the Chief of Police shall be notified as soon as possible upon receiving a report of a death. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

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- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

322.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

322.2.6 CRITERIA FOR WALK_IN REPORTS

A brief explanation of the event should be completed in the synopsis area of the report.

- (a) Lost or found property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information or evidence.
- (d) Stolen vehicle attempts with no suspect information or evidence.
- (e) Identity theft without an identifiable suspect.
- (f) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (g) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (h) Supplemental property lists.

After appropriate report documentation, members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

322.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without

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supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

322.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

322.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

322.6 ELECTRONIC SIGNATURES

The Buhl Police Department has established an electronic signature procedure for use by all employees of the Buhl Police Department. The Uniform Patrol Chief of Police shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

News Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police, or when the Chief of police is not available, or in situations where the Chief of Police has given prior approval, Sergeants, Shift Supervisors and designated Detective Sergeant(s) may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 MEDIA REQUEST

- (a) Any media request for information or access to a law enforcement situation shall be referred to the media representative as designated by this department, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:
 - 1. At no time shall any employee of this department make any comment or release any official information regarding ongoing investigations, information from agency files or report, to the media without prior approval from a supervisor or the designated media representative.
 - 2. In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
 - 3. Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.
 - 4. Restricted information not authorized for release (e.g., as outlined in the Restricted Information subsection of this policy).
- (b) Information authorized for routine release includes:
 - 1. Defendant information: Defendant's name, age, city of residence, employment, and similar identifying information unless juvenile.
 - 2. Violations: The substance of the charge and statutes violated.
 - 3. Agency: The identity of the investigating and/or arresting agency and the duration of the investigation.
 - 4. Circumstances: The circumstances immediately surrounding an arrest or incident including the time and place, resistance, if any, and description of items seized at the time of arrest.

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5. Victim information: The name, age and city of residence of the victim, unless a juvenile, and unless in the opinion of the investigating officer the disclosures are not required at the time due to the state of the investigation, or the nature of the case, or other factors involving the safety, privacy or welfare of the victim, such as in sex crimes.
6. Information reference city of buhl criminal statistics can be located on the Idaho State Police Uniform Crime Reporting website.
7. The Buhl Police Department utilizes social media, and local news sources for information related to current investigations.

323.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of natural disasters, criminal investigations, critical incidents or other catastrophic events, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency operations or a criminal investigation. All information released to the media should be coordinated through the Chief of Police or other designated spokesperson.
 2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).
- (c) No member of this department who is currently under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

323.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

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Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

323.4 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but not limited to:

- (a) Members confidential information (Idaho Code 9-340C).
- (b) Records of buildings, facilities, infrastructures and systems when the disclosure of such information would jeopardize the safety of persons or the public safety (Idaho Code 9-340B)
- (c) Member Involved Critical/Major Incidents: The identities of members involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved member or upon a formal request filed and processed in accordance with the Public Records Law.
- (d) Confessions: The existence of content or any purported confession, admission or statement given by the defendant or his/her refusal or failure to make such statement.
- (e) Opinions: ANY opinion of the defendant's guilt or innocence or of matters relating to the merits of the case.
- (f) Juvenile Information: The identity of persons involved in the incident or crime who are less than 18 years-of-age.
- (g) Evidentiary Materials: Video, tapes, lineups, photographs, interviews or confessions which are items of evidence.
- (h) Suspect Information Prior to Arrest: All information unless the release would aid in capturing the suspect or if the information would warn the public of potential danger.
- (i) Administrative Investigations: All information will be confidential until released through the Legal Advisor.
- (j) Other information protected by Idaho Code 9-335.

323.4.1 REPORTS AND DOCUMENTS

Requests for reports and documents from this department shall be made through the Public Records Request process.

323.4.2 OTHER INFORMATION RELEASES

Crime Scene Videos and Photos: The taking of press or media photographs, video tape or movies within a crime scene may only be accomplished after the investigating member receives permission from the Chief of Police and then only under the supervision of the investigating officer at the scene.

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Release of Information Relating to a Civil Case: The sole authority to disclose or release information concerning civil cases involving this department or its members rests with the Chief of Police and Legal Advisor. Members may discuss any civil case involving themselves, this department or City of Buhl or otherwise disclose any information relating to any civil case without the specific permission of the Chief of Police. This is not to be constructed to limit attorney/client relationships between a member and his/her attorney.

Medical Records of Inmates and others: Pursuant to Idaho Code §9-340C(13), and related Department of Health and Welfare regulations, all medical data is confidential.

323.4.3 PERMISSION TO USE DEPARTMENT FACILITIES

All requests for the use of facilities, department vehicles, personnel, or equipment for multi-media productions must be forwarded to the Chief of Police or his designee for approval.

Media Production staff shall be accompanied by the Public Information Officer (PIO) or other designated member while interviewing or filming on premises.

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

324.2 POLICY

Buhl Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A civil subpoena may be served upon the named member in the subpoena in accordance with I.R.C.P. Rule 45. Prior to accepting service for a civil subpoena, appropriate witness fees shall be demanded as allowed by law (I.R.C.P. Rule 45).

A criminal subpoena may be served on a member by one of the following :

- (a) Personally served by showing the original subpoena to the member and personally informing him/her of the contents (Idaho Code 19-3007).
- (b) Delivered by mail or messenger and the member acknowledges receipt to the sender by telephone, mail or in person with identifying information as prescribed in Idaho Code 19-3007A.

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Buhl Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Buhl Police Department.

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The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

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324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Officers

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Buhl Police Department reserve officers to supplement and assist regular full-time police officers in their duties. These officers provide volunteer professional and special functions that augment regular staffing levels.

325.1.1 DEFINITIONS

Definitions related to this policy include:

Reserve officer - An individual assigned by the Department to perform duties of a peace officer on a limited basis (IDAPA 11.11.01.010).

325.2 POLICY

The Buhl Police Department shall ensure that reserve officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

325.2.1 LEVEL I RESERVE STATUS

- (a) Applicants who are certified, full-time peace officers from other agencies and possess an Idaho POST Basic, Intermediate, or Advanced certification at the time of appointment will be considered Level I Reserve Officers.
- (b) **Certified in Idaho** - An applicant, at time of appointment, who has within the last three (3) years served as a full-time certified Idaho peace officer shall be eligible for Level I Reserve certification without attending the Level I Reserve core curriculum, submitting a completed Level I Reserve Certification Packet, or passing the Level I Reserve certification examination provided he submits a completed Application for Certification form to Idaho POST. (IDAPA 11.11.01, Section 081)
- (c) **Certified in Another State, Commissioned by the Federal Government, or a Graduate of a Basic Police Academy** - An applicant who has within the last three (3) years served as a full-time certified peace officer in another state or as a full-time commissioned peace officer of the federal government or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic Patrol Academy within the last three (3) years may be eligible for Level I Reserve certification in the state of Idaho without attending the Level I Reserve core curriculum, provided he:
 1. Submits a completed POST Level I Reserve Certification Packet to POST Council, which shall include copies of POST certifications and training records from other states, transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience;
 2. Discloses information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof.

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3. Attends an approved course of study in Idaho law and passes the POST Idaho law exam; and
 4. Passes the POST Level I Reserve certification examination conducted in the manner set forth in Section 135 of IDAPA POST Administrative Rules.
- (d) **Out Over Three Years** - A reserve peace officer who has been out of full-time law enforcement for over three (3) years shall complete all requirements as set forth in Sections 130 through 135 to be awarded a Level I Reserve certification. (IDAPA 11.11.01.136)

325.2.2 LEVEL II RESERVE STATUS

- (a) Applicants who have attended either the Idaho POST Training Academy or an Idaho POST Certified Law Enforcement program (i.e. College of Southern Idaho, Idaho State University, or North Idaho College) and have obtained a certificate of completion and passed the Idaho POST test and/or Idaho Level I certification test will be considered Level II Reserve Officers at the time of appointment. Level II Reserve Officers that fall into this category will obtain Level I status after satisfactorily completing the Field Training Program. Additionally, Level II Reserve Officers who fall into this category will have one (1) calendar year to complete the Field Training Program and obtain Level I certification (IDAPA 11.11.01.130).
- (b) An applicant who has been appointed as a Level III Reserve who wishes to attain Level II status must be cleared by the Chief of Police to do so and pass all hiring requirements of a full-time officer including full background check, psychological evaluation, and polygraph examination. In addition, before beginning the Field Training process, and after clearing the hiring process, the applicant must first complete either a POST Academy session, a POST Certified Law Enforcement program or fulfill the following minimum training requirements, approximately 145 hours of training, **BEFORE** Level II status will be granted:
 1. Idaho POST Academy Law Week CD Series (35 hours) and accompanying Idaho POST study guide:
 - (a) U.S. Constitution (2 hours)
 - (b) Liquor Law (2 hours)
 - (c) Brand Law (1 hours)
 - (d) Fish & Game Law (2 hours)
 - (e) Traffic Law (4 hours)
 - (f) Idaho Criminal Code (4 hours)
 - (g) Search and Seizure (8 hours)
 - (h) Rules of Evidence (4 hours)

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- (i) Use of Force (4 hours)
- (j) Laws of Arrest (4 hours)
- 2. Idaho POST Academy Training CD Series (52 hours) and accompanying Idaho POST study guide:
 - (a) Emotionally Disturbed Persons (2 hours)
 - (b) Idaho Juvenile Justice System and Federal Core Requirements (6 hours)
 - (c) Child Abuse (4 hours)
 - (d) Report Writing (8 hours)
 - (e) Effective Courtroom Testimony (8 hours)
 - (f) Sexual Assault (16 hours)
 - (g) Domestic Violence (8 hours)
- 3. Use of Deadly Force and Firearms (8 hours)
- 4. Firearms Qualification (4 hours)
- 5. Officer Safety (4 hours)
- 6. Laws of Arrest, Search and Seizure (8 hours)
- 7. Public and Community Relations (2 hours)
- 8. Report Writing, Notebook, & Note Taking (4 hours)
- 9. Courtroom Demeanor and Testifying (2 hours)
- 10. Narcotics Identification (2 hours)
- 11. Jail Procedures (8 hours)
- 12. Arrest Techniques (16 hours)

The above training will be accomplished by the Level II candidate on their own time, at their own expense(s). Some of the training courses will be taught in house by certified officers who are certified Field Training Officers for the department, and others will require attendance at a POST certified block of instruction. Idaho POST CD courses will be provided by the department.

Level II Reserve Officers shall have one (1) year from appointment to Level II status to complete the training requirements and testing to obtain a Level I Reserve Officer certification from POST. Failure to meet these requirements will result in termination from the Reserve Officer Program.

325.2.3 LEVEL III RESERVE STATUS

Applicants who do not have the prerequisite training required to be classified as Level I or Level II Reserve Officer will be considered Level III Reserves. Level III reserves will be allowed to do occasional ride along time with officers, not to exceed five (6) hours per month. A Level III reserve

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shall be limited to working temporary extraordinary situations that do not require general law enforcement powers such as parades, special events, etc.

Level III Reserves are not authorized to wear departmental uniforms, possess departmental badges, or identify themselves as an "officer". Further, Level III Reserves are not authorized to carry firearms, whether concealed or not, while on or off duty and representing the department or holding themselves out to be affiliated with the department (Excepting that Level III Reserves who possess a valid Concealed Weapons Permit may lawfully carry a firearm off duty when NOT representing the department).

325.3 RECRUITMENT AND SELECTION

The Buhl Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

325.3.1 APPOINTMENTS

Applicants who are selected for appointment as reserve officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office as required for the position.

Reserve officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Reserve officers shall have no property interest in continued appointment. However, if a reserve officer is removed for alleged misconduct, the reserve officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

325.4 IDENTIFICATION AND UNIFORMS

Reserve officers will be issued Buhl Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-time police officers. The identification cards will be the standard Buhl Police Department identification cards, with the exception that "Reserve" will be indicated on the cards.

325.5 AUTHORITY

Reserve officers shall perform peace officer duties within the scope of their approved training, certification, and supervision. Reserve officers:

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this department (Idaho Code 19-603).
- (b) Shall not exercise peace officer duties when off-duty.

325.6 COMPENSATION

Compensation for reserve officers should include two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to reserve officers shall be returned to this department upon termination or resignation.

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325.7 PERSONNEL WORKING AS RESERVE OFFICERS

Qualified regular personnel, when authorized, may also serve as reserve officers. However, this department shall not utilize the services of reserve officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the reserve coordinator should consult with the Personnel Department prior to allowing regular department personnel to serve in a reserve officer capacity (29 CFR 553.30).

325.8 COMPLIANCE

Reserve officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment. The reserve officer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a reserve officer, unless by its nature it is inapplicable.

Reserve officers are required by this department to meet department-approved training requirements.

All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the reserve coordinator.

325.9 FIREARMS

Reserve officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as reserve officers on behalf of the Buhl Police Department.

Reserve officers will be issued duty firearms as specified in the Firearms Policy. Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy. Reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

325.9.1 CONCEALED FIREARMS

A reserve officer shall not carry a concealed firearm while in an off-duty capacity, other than to and from work, unless he/she possesses a valid concealed weapon license.

An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon shall comply with all the requirements set forth in the Firearms Policy.

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Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall demonstrate his/her proficiency with the weapon.

325.10 RESERVE COORDINATOR

The Chief of Police shall delegate certain responsibilities to a reserve coordinator. The reserve coordinator shall be appointed by and directly responsible to the Uniform Patrol Sergeant or the authorized designee.

The reserve coordinator may appoint a senior reserve officer or other designee to assist in the coordination of reserve officers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning reserve Officers.
- (b) Conducting reserve officer meetings.
- (c) Establishing and maintaining a reserve officer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of reserve officers.
- (f) Monitoring individual reserve officer performance.
- (g) Monitoring overall reserve officer activities.
- (h) Maintaining a liaison with other agency reserve coordinators.

325.11 FIELD TRAINING

All reserve officers shall complete the same department-specified field training as regular full-time police officers as described in the Field Training Officer Program Policy.

325.12 SUPERVISION

Reserve officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Reserve officers shall never supervise a regular full-time officer (IDAPA 11.11.01.081).

325.12.1 EVALUATIONS

While in training, reserve officers should be continuously evaluated using standardized daily and weekly observation reports. The reserve officer will be considered a trainee until he/she has satisfactorily completed training. Reserve officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

325.12.2 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

326.2 REQUESTS FOR ASSISTANCE FROM STATE LAW ENFORCEMENT AGENCIES

If immediate, field level assistance is needed from a State of Idaho law enforcement agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The requesting officer should then utilize SIRCOMM Dispatch to call and make the request for assistance and establish communications with the officers from the assisting agency(s), and/or notify SIRCOMM Dispatch of communications with the assisting officers on non-SIRCOMM radio frequencies. The handling/requesting officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

Requests for routine investigative assistance and sharing of information with State of Idaho law enforcement agencies with regard to active investigations can be made without prior approval of the supervisor. Officers shall properly document the information in the case file of the applicable criminal investigation, as well as request a supplemental report be forwarded to the police department for actions taken by the assisting agency when applicable.

Long-term assistance and support between the police department and State of Idaho law enforcement agencies shall be approved by the Chief of Police in advance, and further shall be coordinated in advance by the respective department heads.

326.3 REQUESTS FOR ASSISTANCE FROM FEDERAL LAW ENFORCEMENT AGENCIES

Occasionally it is necessary to request assistance from a Federal law enforcement agency, such as the FBI, when a bank robbery or other major crime has been committed and it is believed that the perpetrator of the crime has left the State of Idaho. The Chief of Police, or their designee, will decide whether or not to notify the FBI or other Federal agency.

For requests for assistance from Federal law enforcement agencies with routine investigative and field activities no prior approval from a supervisor shall be required.

326.4 REQUESTS FOR ASSISTANCE FROM THE NATIONAL GUARD

If the department, with the help of neighboring police agencies and/or the Idaho State Police, is unable to cope with an emergency such as a riot or civil disturbance, the Chief of Police may call upon the National Guard for assistance, via the authority of the Mayor. In this event, the procedure will be to go through the Office of the Mayor, to the Office of the Governor, who has the authority to activate the Idaho National Guard.

326.5 CONTACTING LEGAL COUNSEL AFTER HOURS

In the event that it becomes necessary to contact the legal counsel for the Buhl Police Department, which is the Twin Falls County Prosecuting Attorney's Office, after regular business hours on

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weekdays, weekends, or holidays and no prior arrangements for contact have been made with the Prosecutor's Office, the following protocol(s) should be followed:

- (a) If in the course of a call for service which requires contact with a Deputy Prosecuting Attorney due to the nature and scope of the call, employees of the department should contact SIRCOMM Dispatch via telephone or police radio and request that the on-call Deputy Prosecuting Attorney contact them as soon as is practical.

326.6 POLICY

It is the policy of the Buhl Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.7 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

326.7.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Buhl Police Department shall notify his/her supervisor or the Shift Supervisor and SIRCOMM (Southern Idaho Regional Communications Center) as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.8 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

326.9 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

326.10 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Sergeant or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to SIRCOMM (Southern Idaho Regional Communications Center) and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Buhl Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

327.2 POLICY

It is the policy of the Buhl Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

327.3 REGISTRATION

The Buhl Police Department provides to the public Sex Offender Registration information through its website. This information is made available for the purpose of protecting the public. It is not to be used for the purpose of harassing or intimidating anyone. A person who uses registry information to commit a criminal act against another person is subject to arrest and prosecution under Idaho Code 18-8326.

327.3.1 CONTENTS OF REGISTRATION

All sex offenders required to register must appear in person and provide the following information (Idaho Code 18-8305; Idaho Code 18-8307):

- Name and all aliases
- Complete physical description of registrant
- Address or physical description of his/her residence or residences
- If the offender is a student and attending classes at a physical location, the name and address of the school or schools
- License plate and description of any and all vehicles owned or regularly operated by the registrant
- All telephone numbers and e-mail addresses used by the offender
- Name and address of place of paid or unpaid employment
- Any professional license information
- Passport information and immigration status if applicable
- Driver's license or state-issued identification card

The completed form must be signed by the registrant.

The registering employee shall take photographs, fingerprints and palm prints of all registering sex offenders.

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327.4 MONITORING OF REGISTERED OFFENDERS

This Buhl Police Department website maintains sex offender information concerning registered juvenile and adult sex offenders as well as violent sexual predators. Any person may request the check of an individual or request a list of registered offenders by county or zip code. The requester must provide his or her full name, street address and driver's license or social security number, using FORM SOR-4, or a public records request form.

327.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the Idaho Central Sex Offender Registry or the Buhl Police Department's website.

The Office/Records Manager shall release local registered offender information to residents in accordance with Idaho Code 18-8323 and in compliance with a request under the Idaho Public Records Act.

327.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to commit a crime or cause physical harm may be subject to criminal prosecution (Idaho Code 18-8326).

Major Incident Notification

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

328.2 POLICY

The Buhl Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Sergeant. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see the Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Buhl official
- Arrest of an Buhl Police Department employee or prominent Buhl official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

328.4 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Supervisor shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then any other contact numbers supplied.

328.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Minimum Criteria for Notification subsection of this policy, the Chief of Police shall be notified along with the affected Sergeant and the Detective Lieutenant if that division is affected.

328.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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328.4.3 DETECTIVE SERGEANT (PIO)

The Detective Sergeant shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

329.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

329.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

Upon discovering any individual who is dead or near death the discovering officer shall make a reasonable search of the individual for the purpose of locating anatomical gift donor information. If such donor information is located the officer shall promptly notify the coroner or ensure such information accompanies the individual to the hospital as appropriate (Idaho Code 39-3413).

329.2.1 CORONER REQUEST

Buhl Police Department has a statutory responsibility to investigate all unattended deaths. Officers must ensure that the pertinent facts are properly documented. Officers must approach their investigation with a sense of dignity, compassion, and professionalism toward the deceased and the family. Officers shall:

- (a) Notify the shift supervisor, who will decide upon notification of detectives.
- (b) Treat the scene as a crime scene, unless facts indicate otherwise.
- (c) Notify the Coroner's Office.

329.2.2 DEATH NOTIFICATION

The primary responsibility for death notification is with the Coroner's Office. Calls from other jurisdictions with request to deliver a death message will be routed to the Shift Supervisor for determination of how the request will be handled.

329.2.3 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

329.2.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the detective will respond the scene for further immediate investigation.

Identity Theft

330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

330.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Idaho Code 18-3126) shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and ITD) with all known report numbers.
- (e) Following supervisory review and processing by this department, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Private Persons Arrests

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Idaho Code 19-604.

331.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Although Idaho law does not expressly require officers to advise citizens about their rights to make a private persons arrest, it is recommended that officers advise private persons how to safely execute such an arrest.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

331.3 ARRESTS BY PRIVATE PERSONS

Idaho Code 19-604 provides that a private person may arrest another:

- (a) For a public offence committed or attempted in his or her presence.
- (b) When the person arrested has committed a felony, although not in his or her presence.
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Officers shall use their independent professional judgment and knowledge of the applicable criminal codes and procedural laws in determining whether to receive custody of a person arrested by a private citizen. Idaho Code (when private person may arrest) does not require an officer to receive custody of a person who has been unlawfully detained by another. The officer's determination shall be governed by Idaho Code. An Officer shall not accept custody of the arrested subject without probable cause to believe the subject committed a crime for which an officer, standing in the place of the private citizen at the time of the arrest, might lawfully take the subject into custody. When the legality of the private citizen's authority to arrest the subject is not clear after reasonable investigation, the officer shall contact a supervisor before accepting custody of the arrested subject.

- If the officer determines there has been an excessive and unreasonable delay by the citizen, the officer will file the necessary crime report or issue a summons signed by the citizen,
- Upon accepting physical custody of the arrested subject, an officer shall either transport them to the place of detention for booking or release them with a citation.

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The signature of the private person making the arrest shall be placed on the space marked "Complainant or Officer."

- The Officer shall write a report to include a statement affirming the private person is the arresting party and the arresting party requested the officer take the arrested subject into custody.

Private citizens may sign complaints for infractions or misdemeanors. The officer shall complete a report.

331.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest should determine whether or not there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful; the officer should contact his/her immediate supervisor and advise him/her of the existing circumstances. At the discretion of the supervisor, either the supervisor or the officer should, out of the presence of the potential arrestee, explain to the private person wishing to make the arrest the officer's concerns about the absence of reasonable cause for the arrest and the potential ramifications should the person chose to proceed with the arrest.
- (b) The officer should explain to the private person that one of the options available to him/her is to consult with the city/county attorney's office for determination of whether or not a charge should be filed against the person whom the citizen wants arrested.
- (c) The officer should also explain another option available would be for the citizen to sign a uniform citation against the person which would result in a trial date being set and the citizen needing to appear as a witness in the trial against the person he wanted arrested.
- (d) The officer should prepare a detailed report documenting all pertinent facts regarding such situations including but not limited to the following:
 1. The basis for the officer's concerns about the absence of reasonable cause for the citizen's arrest,
 2. The officer's efforts to explain his/her concerns to the citizen about the situation,
 3. The citizen's response to the officer's explanation,
 4. The officer's communications with and response of his/her supervisor,
 5. The officer's explanation of options to the citizen and the citizen's response

331.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, that individual must complete and sign a voluntary statement provided by this department. The statement will include their personal knowledge which provides probable cause to believe that the crime as

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charged has been committed and that the person arrested in fact committed the crime. The person's statement will include their personal information as well as contact information and phone number(s).

- (a) If the crime committed was a Misdemeanor Offense and a citation issued, the person will sign the Idaho Uniform Citation and the officer will sign as the witness.
- (b) In a Felony arrest situation, the officer's responsibility does not terminate until the officer has personally signed the formal complaint and presented the probable cause therefore.

Officers must prepare a full and complete narrative report regarding the circumstances and statements from all available and pertinent witnesses assembled and send the report to the Prosecutor for disposition of the incident.

Limited English Proficiency Services

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

332.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Buhl Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

332.2 POLICY

It is the policy of the Buhl Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

332.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Uniform Patrol Sergeant or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Buhl Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Lieutenant and Director. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

332.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

332.5 TYPES OF LEP ASSISTANCE AVAILABLE

Buhl Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

332.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

332.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

332.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

332.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

332.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

332.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Buhl Police Department will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

332.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in SIRCOMM (Southern Idaho Regional Communications Center), the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

332.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

332.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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332.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

332.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

332.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

332.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Chief of Police shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Chief of Police shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Chief of Police shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should be licensed as required by Idaho Code 54-2904.

333.2 POLICY

It is the policy of the Buhl Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to law enforcement services, programs, and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon disabilities.

333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by and directly responsible to the Uniform Patrol Sergeant or the authorized designee.

The responsibilities of the ADA Coordinator shall include but not be limited to:

- (a) Working with the City ADA coordinator regarding the Buhl Police Department's efforts to ensure equal access to services, programs, and activities.
- (b) Developing reports or new procedures or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs, and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Director. The list should include information regarding:
 - 1. Contact information.
 - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs, and activities.

333.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs, and activities. These factors may include but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

333.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

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The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing, or has impaired speech must be handcuffed while in the custody of the Buhl Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

333.6 TYPES OF ASSISTANCE AVAILABLE

Buhl Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

333.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

333.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified

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interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

333.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

333.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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333.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The individual with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

333.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

333.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

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If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

333.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing, or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device, or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

333.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

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When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

333.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

333.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

333.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Chief of Police shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Chief of Police shall maintain records of all training provided and will retain a copy in each member's training file in accordance with established records retention schedules.

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333.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing, or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations, and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all SIRCOMM (Southern Idaho Regional Communications Center) members who may have contact with individuals from the public who are deaf, hard of hearing, or have impaired speech. Refresher training should occur every six months.

Biological Samples

334.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation.

334.2 POLICY

The Buhl Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

334.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

All adults and juveniles who have been tried as adults who are convicted of, or plead guilty to, any felony crime, or the attempt to commit any felony crime or any crime that requires sex offender registration are required to submit a biological sample and a right thumbprint impression (Idaho Code 19-5506).

334.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

334.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Idaho Code 19-5506.
- (b) Verify that a biological sample has not been previously collected from the offender by querying Idaho State Police Forensic Services (ISPFS) DNA database. There is no need to obtain a biological sample if one already exists for the offender in the Idaho DNA database (Idaho Code 19-5506; Idaho Code 19-5507).
- (c) Use the designated collection kit provided by ISPFS and follow the instructions attached to the kit to perform the collection, taking steps to avoid cross contamination.

334.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.

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- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge (Idaho Code 19-5512).
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

Chaplain Program

335.1 PURPOSE AND SCOPE

The Buhl Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

335.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

335.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

335.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage their household, family and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Membership in good standing with the International Conference of Police Chaplains (ICPC).
- (f) Possess a valid driver license.

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335.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board or council.
- (c) Interview with Chief of Police and Chaplain Supervisor.
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

335.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Supervisor or supervisor aids in accomplishing the Department's mission.
- (g) Being on call and if possible, on duty during major demonstrations or any public function that requires the presence of a large number of department personnel.
- (h) Counseling officers and other personnel with personal problems when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Department.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession as requested.

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- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that was provided while functioning as a chaplain for the Buhl Police Department .

335.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the Buhl Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Buhl Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

335.8 COMMAND STRUCTURE

- (a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Senior Chaplain and/or Shift Supervisor.
- (b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.
- (c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

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335.9 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Buhl Police Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a Chaplain Shift Report and submit it to the Chief of Police or his designee.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Buhl Police Department operations, provided the Shift Supervisor has been notified and approved of the activity.
- (e) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Buhl Police Department unless otherwise authorized by the Chief of Police or his/her designee.
- (i) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

335.9.1 UNIFORMS AND BADGES

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this department.

335.10 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Chief of Police.

Child and Vulnerable Adult Safety

336.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and vulnerable adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

336.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Buhl Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

336.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or vulnerable adults. In some cases this may be obvious, such as when children or vulnerable adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or vulnerable adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or vulnerable adults.
- (b) Look for evidence of children and vulnerable adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or vulnerable adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or vulnerable adult. Removing children or vulnerable adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or vulnerable adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or vulnerable adult that he/she will receive appropriate care.

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Child and Vulnerable Adult Safety

336.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or vulnerable adults.

Officers should allow the arrestee reasonable time to arrange for care of children and vulnerable adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or vulnerable adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and vulnerable adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or vulnerable adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or vulnerable adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or vulnerable adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Shift Supervisor of the disposition of children or vulnerable adults.

If children or vulnerable adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

336.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or vulnerable adult. These telephone calls shall be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or vulnerable adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

336.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where vulnerable adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

336.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or vulnerable adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

336.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or vulnerable adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or vulnerable adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or vulnerable adult be left unattended or without appropriate care.

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Child and Vulnerable Adult Safety

336.5 TRAINING

The Chief of Police is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or vulnerable adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

337.1.1 DEFINITIONS

Definitions related to this policy include:

Service Animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animal also includes a dog-in-training for an individual with a disability (28 CFR 35.104; Idaho Code 56-701A).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

337.2 POLICY

It is the policy of the Buhl Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

337.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

337.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Buhl Police Department affords to all members of the public (28 CFR 35.136).

337.4.1 INQUIRY

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

337.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

337.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat, nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

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337.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteer Program

338.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

338.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

338.2 VOLUNTEER MANAGEMENT

338.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administration Sergeant. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

338.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

338.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Idaho Law Enforcement Teletype Systems (ILETS).
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

338.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

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Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

338.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator. Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

338.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

338.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

338.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

338.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or agency policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by agency policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

338.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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338.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid Idaho Driver's License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

338.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete ILETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ILETS training is provided for volunteers whenever necessary.

338.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

338.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

338.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Off-Duty Law Enforcement Actions

339.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Buhl Police Department with respect to taking law enforcement action while off-duty.

339.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless there is probable cause to believe the crime to be addressed is a felony or presents an immediate threat of serious bodily injury or death (Idaho Code 67-2337).

339.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

339.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

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- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

339.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Buhl Police Department officer until acknowledged. Official identification should also be displayed.

339.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

339.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

339.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

339.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Supervisoras soon as practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

An officer shall notify, as soon as safety conditions allow, the law enforcement agency having jurisdiction where an off-duty enforcement action took place and shall relinquish authority and control over any event to that agency (Idaho Code 67-2337). Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Departmental Use of Social Media

340.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

340.1.1 DEFINITIONS

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

340.2 POLICY

The Buhl Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

340.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

340.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.

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- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press Releases.
- (h) Recruitment of personnel.

340.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Chief of Police or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

340.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Buhl Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

340.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The department may provide a method for members of the public to contact department members directly.

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340.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

340.7 RETENTION OF RECORDS

The Administration Sergeant should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

340.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Domestic Violence Involving Police Personnel

341.1 PURPOSE AND SCOPE

This policy acknowledges that some police officers commit domestic violence against their intimate partners. The purpose of this section is to establish procedures for handling matters of domestic violence and abuse involving police members. Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator, and conduct parallel administrative and criminal investigations. The department's stance is that of absolute intolerance of domestic violence among that of its employees. Furthermore, a police officer found guilty of domestic violence, risks the chance of having his/her police powers revoked through de-certification, and termination.

341.2 DUTY OF OTHER MEMBERS TO REPORT

Any member of the Buhl Police Department who is charged with a violation of Idaho Code 39-6303 or 18-918 is required to immediately report such charge to his immediate supervisor. The supervisory officer shall make an immediate verbal notice, followed by written notification of such charge to the Chief of Police. Members who disclose to any other member of the department that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.

341.3 DOMESTIC VIOLENCE PROTECTION ORDERS

After a court hearing in which a member receives actual notice, and at which the member had the opportunity to participate, and the court holds that a credible threat exists, the member shall be treated in the same manners as if they had been convicted of Domestic Violence and shall be precluded from continuing in their position as a sworn police officer for the City of Buhl.

341.4 CONVICTION OF DOMESTIC VIOLENCE

Conviction for the offense of domestic violence precludes a member from continuing in their position as a sworn police officer for the City of Buhl. Federal law precludes the convicted member from continued possession of, or carrying a firearm. The reporting of the conviction to the Idaho Peace Officers Standards and Training Council will result in the revocation of the members Peace Officer status in Idaho. In either situation the conviction of Domestic Violence shall be considered as an automatic disqualifier for continued employment with the Buhl Police Department.

Upon conviction for Domestic Violence, or the issuance of a prohibitive protection order by a court of competent jurisdiction, the member shall be required to immediately notify their immediate supervisor. The member shall turn in all department equipment, identification, keys, proximity cards and any and all other equipment belonging to the Buhl Police Department.

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Domestic Violence Involving Police Personnel

341.5 SERVICE OF WARRANTS

Arrest warrants charging police officers with Domestic Violence or Civil Protection Orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served.

Departmental Discipline

342.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures concerning informal and formal disciplinary practices within the department.

342.2 POLICY

It is the policy of the Buhl Police Department to impose disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure the rights of employees are protected. The purpose underlying the disciplinary policy of the department is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace.

342.3 DISSEMINATION OF RULES, REGULATIONS, AND STANDARDS OF CONDUCT

Members and employees shall be provided with written directives that communicate departmental standards of performance and professional conduct. This information shall be reinforced through entry-level orientation, field training, and in-service training for all personnel.

342.4 DISCIPLINE IN GENERAL

Discipline may be taken for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. The Buhl Police Department policy manual and the City of Buhl Personnel Manual are not intended to cover every possible type of misconduct.

342.4.1 CONSISTENCY IN DISCIPLINE

Nothing erodes the effectiveness of the disciplinary process more than real or perceived inequities and unfair treatment. Consistency and fairness in the application of discipline is essential to avoid allegations of favoritism or intolerance.

A determination for administrative investigations is decided by the Chief of Police or designee with input from the chain of command of the subject employee.

A discipline determination of counseling and training or a written reprimand may be decided by a supervisor or Sergeant for minor misconduct discovered at the patrol squad level.

342.4.2 RECOMMENDATION FOR DISCIPLINE

Recommendations for disciplinary action against any employee should be forwarded to the Chief of Police by any supervisor or Sergeant of the department. The Chief of Police maintains the authority to review the recommendation(s) and either approve/deny the recommended disciplinary action(s) or amend the recommended disciplinary action(s). The Chief of Police shall also maintain the authority to bypass the chain of command and impose discipline without a report or recommendation from a supervisor or Sergeant.

342.4.3 NOTIFICATION

Notice of the proposed discipline of any employee must be provided to the employee within one year of the discovery of the violation, unless qualified exemptions exist.

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342.5 PROGRESSIVE DISCIPLINE

Progressive discipline is a process for dealing with behavior which fails to meet established and communicated performance standards. The primary purpose of progressive discipline is to assist employees to overcome behavioral problems and satisfy performance expectations. The goal of progressive discipline is to improve workplace performance, which in turn improves departmental operations.

For progressive discipline to be effective, it must be consistent and properly administered. When administered fairly and progressively, optimum results are achieved; it is imperative that a progression of disciplinary steps be followed. When misconduct or poor performance is observed or documented but not appropriately addressed, the concept of progressive discipline is severely undermined.

For example, if an employee had been five minutes late for work on four occasions and upon the fifth tardiness discipline is formally administered, the corrective action taken in the first four instances should have been documented. Similarly, if the subject had received a series of routine admonitions with no progression to a higher level of discipline, the seriousness of the misconduct may not be impressed upon the employee. In cases involving punitive action, the discipline must carry an admonishment that future acts of misconduct may result in a more severe level of discipline.

There will be instances where an employee is unwilling to correct or improve his/her performance. In such cases, progressive discipline will enable the department to fairly, and with substantial documentation terminate the individual from employment.

The Chief of Police has the discretion to impose any level of discipline he/she deems appropriate to achieve the goals of the discipline policy.

342.6 DISCIPLINARY ACTIONS AVAILABLE

The following actions are among the disciplinary steps that may be taken by the department supervision or administration in response to Buhl Police Department policy manual or City of Buhl Personnel policy manual violations:

- (a) Counseling and/or oral reprimand;
- (b) Training;
- (c) Written reprimand;
- (d) Suspension;
- (e) Demotion; and
- (f) Termination.

342.6.1 COUNSELING AND ORAL REPRIMAND

At this level, the employee is advised in clear terms of the breach of conduct or procedure. Steps to remedy the problem shall be outlined and communicated both orally and in writing. For example, participating in a vehicle operations course for an employee who has a poor driving record or

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vehicle operations violations. The employee is admonished that he/she must immediately correct his/her deficiencies. The admonishment should include language that similar violations in the future could result in more severe discipline.

Counseling and/or oral reprimands can be done at the patrol squad level by a Sergeant, or by the Chief of Police and all counseling should be done utilizing BPD Form 101, "Employee Counseling Form".

Further, nothing in this policy should be interpreted that counseling is used only as a negative or disciplinary action. Counseling can be conducted, utilizing BPD Form 101, to convey positive performance, commendation, policy manual update information, and promotion.

342.6.2 TRAINING

Training can be used as an informal corrective action, including remedial training provided by supervisors for observed conduct, is deemed non-disciplinary, and is not considered in progressive discipline for a sustained finding. All training used as corrective action shall be conducted utilizing the highest standards of safety and any available Idaho P.O.S.T. approved materials and training aids. No training shall be conducted, regardless of the subject matter, without prior notification to the employee that a training session is being conducted, advised of the safety considerations for the training, and the reasons for the remedial training.

All training for the purposes of corrective action should be recorded on BPD Form 101, "Employee Counseling Form".

342.6.3 WRITTEN REPRIMAND

A written reprimand is a formal correspondence from the Chief of Police, Lieutenant, or Sergeant to the employee. It describes the conduct that resulted in disciplinary action and clearly admonishes the subject that a future violation or continued unacceptable performance will result in a more serious form of departmental discipline. It is imperative that a signature ready correspondence be presented to the reprimanding authority (i.e. Chief of Police) and should be accompanied by BPD Form 101, "Employee Counseling Form". A copy of this correspondence shall be placed in the employee's personnel file.

342.6.4 SUSPENSION

This form of discipline suspends an employee's pay and departmental seniority for the term of the suspension. Furthermore, an officer's peace officer powers are suspended during this period.

Suspensions from duty up to ten (10) days must be approved by the Chief of Police or his/her designee. Suspensions that exceed ten (10) days must be approved by the Mayor, upon recommendation of the Chief of Police. It is imperative that signature ready correspondence be presented to the suspending authority (i.e. Chief of Police or Mayor).

All disciplinary suspensions are separate from any paid or unpaid administrative leave as the result of an administrative investigation as outlined in Policy 1020.

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342.6.5 DEMOTION

A reduction in rank is administered by the Mayor or City Council, upon recommendation of the Chief of Police when a sustained finding of an offense compromises or prevents the employee from functioning in a supervisory capacity.

342.6.6 TERMINATION OF EMPLOYMENT

This level of discipline is administered by the Mayor or City Council, upon recommendation of the Chief of Police. As with any other level of disciplinary action in this policy, termination of employment can be brought for any good cause. In keeping with the provisions of the City of Buhl Personnel Manual, employees of the Buhl Police Department are "

at-will

" employees, and serve at the discretion of the Mayor and City Council (see City of Buhl Personnel Manual March 3, 2016). As with suspension and written reprimands, it is imperative that signature ready correspondence be presented to the terminating authority.

342.7 MITIGATING AND AGGRAVATING FACTORS

Mitigating circumstances may be used to reduce the penalty to corrective action (non-disciplinary). Aggravating circumstances may increase a penalty to termination, including for misconduct where termination may not normally be considered for the violation of rules, regulations or standards of conduct.

342.7.1 MITIGATING FACTORS

The following mitigating factors may be considered when determining disciplinary action and the penalty for employee misconduct:

- (a) The misconduct was not willful or deliberate;
- (b) The misconduct was not premeditated;
- (c) The misconduct did not result in serious injury or harm;
- (d) The misconduct involved minor negligence or recklessness;
- (e) The employee had a secondary and/or minor role in the misconduct;
- (f) Based upon length of service, experience, policy directives, and the inherent nature of the act, the employee may not have reasonably understood the consequences of his/her actions;
- (g) Commendations received by the employee;
- (h) The employee was forthright and truthful during the investigation;
- (i) The employee accepts responsibility for his/her actions;
- (j) The employee is remorseful;
- (k) The employee reported the harm caused and/or independently initiated steps to mitigate the harm caused in a timely manner.

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342.7.2 AGGRAVATING FACTORS

The following aggravating factors may be considered when determining disciplinary action and the penalty for employee misconduct:

- (a) The misconduct was willful and deliberate;
- (b) The misconduct involved gross negligence or recklessness;
- (c) The misconduct was premeditated;
- (d) The employee had a primary and/or leadership role in the misconduct;
- (e) Based upon length of service, experience, policy directives, inherent nature of the act, the employee knew or should have known that his/her actions were inappropriate;
- (f) The employee was not forthright and truthful during the investigation;
- (g) Serious consequences occurred or may have occurred from the misconduct;
- (h) The misconduct was committed with malicious intent or for personal gain;
- (i) The misconduct resulted in serious injury; or
- (j) Multiple sustained findings from one incident.

342.7.3 ADDITIONAL FACTORS

Additional factors include, but are not limited to, the following:

- (a) Threat posed to integrity of the department;
- (b) Degree of culpability;
- (c) Prior disciplinary history;
- (d) Severity of the misconduct including multiple violations;
- (e) Departmental training and standards;
- (f) Professional standards, training, policies, and practices;
- (g) Service to the citizens of Buhl;
- (h) Dedication to the department; and
- (i) Other relevant factors.

342.8 NAME CLEARING HEARING

Refer to Buhl City Personnel Manual, Dated March 3, 2016, Pg. 34.

All City of Buhl employees are at-will employees. However, the City of Buhl recognizes that even at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination. The City of Buhl also recognizes that a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality, or criminal conflict is entitled to a "name-clearing" hearing. *Cox v. Roskelly*, 359 F.3d 1105 (9th Cir. 2004).

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342.8.1 UNLAWFUL DISCRIMINATION

As excerpted from the City of Buhl Personnel Manual, Page 34 (March 3, 2016):

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. The City of Buhl does not condone discrimination on the basis of the foregoing unlawful categories.

FAILURE TO PURSUE THIS OPPORTUNITY PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY

Issues involving job performance or employee attitude are not the proper subject of this procedure and will not be heard.

342.8.2 PROCEDURE

Refer to Buhl City Personnel Manual, Dated March 3, 2016, pg 34.

342.8.3 OPPORTUNITY TO BE HEARD

Refer to Buhl City Manual, Dated March 3, 2016, pg 34.

342.8.4 DECISION PROCESS

Refer to Buhl City Manual, Dated March 3, 2016, Pg. 34.

Citizens on Patrol and Citizens Academy

343.1 POLICY

The Buhl Police Department recognizes the need to form citizen partnerships within the community. By enlisting the assistance of citizens, we are better able to solve problems, prevent and report crime, and build positive relationships that will benefit both the police and the citizen. For this reason, the department sanctions a Citizens On Patrol program that encourages citizens to become active in the police department. On an "as needed" basis, the department will host Citizen Academies to educate the public about law enforcement, crime prevention and the Citizens On Patrol program.

343.1.1 PURPOSE OF CITIZENS ON PATROL

- (a) To help implement self-reliant neighborhoods and businesses by building a partnership between the citizen, business owner and police, by:
 - 1. Increasing direct interaction among citizens and the officers who patrol the community.
 - 2. Educating citizens and business people on how to reduce the chance of victimization and what resources are available to them.
- (b) To assist the police in helping to reduce crime and traffic related problems in neighborhoods and business districts, by:
 - 1. Actively patrolling neighborhoods, businesses, and parks, serving as a visible deterrent.
 - 2. Observing, recording, and reporting suspicious activities, traffic related problems, handicap parking violations, and location of graffiti sites.
- (c) **SUMMARY:** The Buhl Police Department recognizes that public peace within a community is not kept primarily by the police. It is an organized strategy involving both citizens and police in establishing a network of voluntary controls and standards. A working relationship between Citizens on Patrol and the Police Department is essential to accomplish the goals and objectives set forth by the COP Association. Continuous, accurate, and adequate exchange of information between the Police and COP will aid in the mutual resolution of criminal, traffic, and community problems. Awareness of problems unique to each neighborhood will assist COP in scheduling priority assignments that will be aimed at providing solutions to those problems. Buhl Police Department does not claim organized citizen groups as members of the department. Furthermore, the Police Department and the City of Buhl do not accept responsibility for the actions of COP. The Department will assist in the education process and the continuous exchange of information that will help prepare Citizens on Patrol to effectively carry out their mission. Included in this process will be an emphasis on the fact that individuals retain their individual accountability.

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343.2 PROCEDURES-METHOD OF OPERATION

343.2.1 WHO'S INVOLVED?

- (a) Citizens on Patrol is a program of inclusion. We want to make as many citizens as possible feel that they can contribute to the safety of their neighborhoods and businesses.
- (b) The program is under the direction of the Police Chief, who is willing to deviate from the normal task-specific forms of traditional "crime fighting". It is important that the COP program be given personal attention and fostering to be successful. For this reason, the department has set criteria and selected officers who have the foresight and wisdom to implement, coordinate, and manage the Citizens on Patrol program.
- (c) Specific conditions must be met in order for the COP program to succeed.
 - 1. Citizens who will no longer tolerate an escalation of crime.
 - 2. A police executive unafraid to implement non-traditional approaches to Community Policing.
 - 3. Volunteers willing to generously donate their time for both training and to actively watch over their community.
 - 4. Officers willing to accept citizen participation in vehicle, bike and foot patrols.

343.2.2 C.O.P. ASSOCIATION

- (a) The association will patrol neighborhoods within the City of Buhl, as decided by the Buhl Police Department; whether it is on foot, bicycle, or vehicle. Shifts normally should take place during peak hours. For safety reasons, participants will patrol in groups of not less than two persons.
- (b) The association will patrol parking lots and make security patrols of downtown, as well as other businesses within the city.

343.2.3 STAFF DUTIES

- (a) C.O.P. shall select a President; who will be responsible for the implementation, coordination, and maintenance of patrols. (See Job Description)
- (b) C.O.P. shall select a Vice President; who will be responsible in case of absence of the president or for duties as designated by the president. (See Job Description)
- (c) C.O.P. shall select a Secretary; who will act in behalf of the association. (See Job Description)
- (d) C.O.P. shall select a Treasurer; who will act in behalf of the association. (See Job Description)

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- (e) C.O.P. may elect to have a School Patrol Coordinator; who will act in behalf of the association. (See Job Description)
- (f) C.O.P. shall be under a Police Coordinator; who shall be a sworn police officer and serve as the liaison between the COP Association and the Police Department.

343.2.4 CITIZENS ON PATROL COMMITTEE

- (a) The Committee shall be comprised of the President, Vice President, Secretary, Treasurer and Police Coordinator. All have vote on Committee issues.
- (b) They will meet monthly, but may conduct additional meetings at their discretion.

343.3 JOB DESCRIPTIONS

All job descriptions are general in nature. They are not a complete list of responsibilities, duties or skills required of the member filling that position.

343.3.1 PRESIDENT

- (a) Accountable for interfacing, providing, and reporting information from the Association to the Coordinator. In the absence of the Police Coordinator, the President may report directly to the Chief of Police.
- (b) Accountable for interfacing, providing, and disseminating information from the Police Department to the Association.
- (c) Serves as the first point of contact between the Committee and the Police Department.
- (d) Keeps his/her personnel updated on information released by the Police Department, e.g., neighborhood activities, vehicle/suspect descriptions, or special assignments.
- (e) Keeps the Committee informed as to what the patrol priorities are monthly.
- (f) Officiates over all Association meetings that are held.
- (g) Works closely with the Coordinator as a clearinghouse for public complaints and concerns.
- (h) Serves as a resource for disbursement of COP information to the public.
- (i) Implements any new policies or procedures handed down by the Committee.
- (j) Reviews COP activity logs and calls attention to suspect activity or other information of interest.
- (k) Maintains a rapport with citizens of the community. Responsible for the development of good public relations with all interested parties. Interested parties may include: police, media, school officials and the public.
- (l) Maintains patrol schedules and schedules patrols to meet the priority needs of the community.

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- (m) Recruits volunteers for the association. Monitors new people moving into the community for possible recruitment.
- (n) Assists in training sessions at the Citizen Academies.
- (o) Interviews new trainees as to the level of involvement that they wish to have in the program.
- (p) Ensures that all policies & procedures of the association are followed.

343.3.2 VICE-PRESIDENT

- (a) Carries out the duties of the president in times of his or her absence.
- (b) Maintains an active list of members and provides all needed forms.
- (c) Exchanges information handed down to activate COP patrols.
- (d) Contacts volunteers concerning their assignments.
- (e) Serves as a resource of information for volunteers as to questions that they might have about their assignments, duties or questions in general.
- (f) Encourages the committee to function as a single body and not as separate individuals going in different directions.
- (g) Provides city map and policy & procedure manual to all members.
- (h) Inventories and inspects all COP equipment at least monthly. Reports equipment that is damaged or not working to the president.
- (i) Supplies patrollers with vehicle sign logos.
- (j) Keeps attendance records for training sessions.
- (k) Trains new volunteers on all pieces of equipment.

343.3.3 SECRETARY

- (a) Takes minutes at each meeting. Provides typed copies of these minutes to committee members, the coordinator and the Chief of Police.
- (b) Types up agenda's for each meeting.
- (c) Assists the committee in the issuance of letters or announcements pertaining to Citizens on Patrol.
- (d) Inventories all COP forms. Makes up new forms as needed.
- (e) Assists the committee in updates and amendments to the Policy & Procedure Manual and Bi-laws.
- (f) Maintains applications and volunteer lists.

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Citizens on Patrol and Citizens Academy

343.3.4 TREASURER

- (a) Maintains records of all financial transactions and contributions.
- (b) Maintains a checkbook that requires the signature of two designated COP members. *In order to write a check, two out of three designated volunteers must have their signature on the check.*
- (c) Balances bank statements. Deposits all monies gained by the association through-fundraisers, donations, grants, etc.
- (d) Pays bills incurred by the Association.
- (e) Prepares a treasurer's report for each scheduled meeting.

343.3.5 SCHOOL COORDINATOR

- (a) Coordinates patrols around the schools.
- (b) Coordinates a School Crossing Guard program, when applicable.
- (c) Interfaces with school personnel, SRO's and Police Coordinator in determining what COP activities might be necessary for the protection of school-aged children.
- (d) Monitors police records as to any incidents of assaults, intimidation, or harassment involving children.
- (e) Monitors records as to any suspicious activity, strange vehicles, or stranger confrontations with children.
- (f) Provides school faculty with information needed to be passed on by the police.
- (g) Establishes a rapport with principals, teachers and children.
- (h) May provide classes to school-age children on personal safety.

343.3.6 POLICE COORDINATOR

- (a) A sworn Police Officer designated by the Buhl Police Department.
- (b) Serves as a liaison between the COP Association and the Buhl Police.
- (c) Provides information on crime patterns and other resources essential to COP operations.
- (d) Provides training, guidance and direction to volunteers.
- (e) Acts as a clearinghouse for public complaints or concerns regarding COP.
- (f) Acts as a resource to resolve internal issues involving volunteer members.

343.4 PROCEDURES-METHOD OF IMPLEMENTATION

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343.4.1 INDIVIDUAL SELECTION CRITERIA

- (a) Shall be a Buhl area resident or business owner, unless otherwise approved by the Committee.
- (b) Will be at least 18 years of age.
- (c) Shall not have any felony convictions. Shall not have any misdemeanor convictions in past 3 years.
- (d) Must submit to having a background check completed by the Buhl Police Department.
- (e) Must successfully complete the Citizens Academy, consisting of approximately 21 hours of training.
- (f) Must complete a minimum of a 4-hour ride-along with a Patrol Officer and 4-hour ride-along with an FTO COP member.

343.4.2 CITIZEN ACADEMY

- (a) Buhl Police has developed a citizen's training academy. The academy is designed to educate and inform citizen and COP volunteers as to the specific patrol needs of the Buhl community.
- (b) The Academy consists of approximately 7 sessions of instruction, 3 hours each night. Instruction is provided by police personnel, legal liaison, veteran COP members and other instructors. The training curriculum covers COP operations, rules of conduct, liability, and legal considerations. The purpose and function of communications is presented in order to familiarize the class with both a dispatchers' duties and information that is needed when reporting an incident. Participants are taught proper radio procedures, patrol procedures and "10" code.
- (c) Police officers teach participants how to identify, recognize and prevent burglaries & thefts. Criminal laws and city ordinances that volunteers need to be familiar with are also reviewed.
- (d) The patrol ride-along initiates new volunteers in patrol procedures and equipment usage. Volunteers are evaluated on their overall comprehensiveness and understanding of the goals and objectives of the program. They are not allowed to participate as a COP patroller until the ride-alongs are completed.
- (e) Academy Curriculum consists of: Police and COP Operations, Policy & Procedure, Juvenile Procedure, DUI Detection, Suspicious Activities, Crime Prevention, Community Policing, Observation Skills, Report Writing, Communications, 911 Dispatch, Patrol Logistics, Crime Scenes, Criminal Law, City Ordinances, Problem Solving, Fingerprinting and Narcotics Enforcement.
- (f) Police officers will fill out a checklist on each new volunteer, confirming that the volunteer can pass the basic criteria needed to be out on patrol.

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- (g) Ongoing training will also be provided. Seminar & workshops will be held to combine training and recognition of volunteers. Topics may include: CPR, gang activity, drug activity, radio protocol, legal considerations, radar, etc. Optionally- awards may be presented to participants, businesses and groups for their involvement in COP.
- (h) The Association may hold additional training classes tailored to meet the needs of the group.

343.4.3 COP PATROL

- (a) Volunteers assist the police by providing random patrol activities to supplement police patrols. They are the "extra eyes and ears" on the street.
- (b) Volunteers should prioritize the needs of neighborhoods and businesses by scheduling their patrols during the peak hours of criminal and/or traffic related activities.
- (c) They should patrol parking lots, city streets, etc. looking for crimes in progress. E.g., vehicle burglaries, thefts, open doors, vandalism, and DUI violations.
 - 1. Volunteers may use spotlights on businesses, but not homes.
 - 2. Volunteers are not permitted to approach buildings or contact suspects.
- (d) The primary purpose of COP is to serve as a deterrent and make themselves as visible as possible. This is done by displaying logos on their vehicles and wearing appropriate COP attire.
- (e) COP's secondary purpose is to observe, record, and report suspicious activity. Volunteers are responsible for notifying the police department in emergencies and in cases where an immediate response by police is necessary.
- (f) Patrols are normally made during nighttime hours. Day patrols may be activated under certain situations that may arise.
- (g) Volunteers may monitor traffic-related problems in their neighborhood. They may operate a radar gun, if trained in its use, upon police department approval.
 - 1. Volunteers working traffic will maintain activity logs on all serious violations.
 - 2. From these logs, a police officer will contact the driver or owner of the vehicle that was in violation. A written or oral warning is issued.
 - 3. Volunteers are not permitted to make traffic stops!
- (h) While patrolling, volunteers will have the opportunity to observe and identify other matters which are not necessarily related to criminal activity, but which can be reported to assist in the safety and appearance of the City in many other ways:
 - 1. City Code Violations and Curfew

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2. Fire Hazards and Illegal Dumping
 3. Abandoned/Junk Property
 4. Malfunctioning or missing traffic control devices and warning signs.
- (i) Volunteers may monitor handicapped parking spaces by logging down license plate numbers. They may also monitor the condition of the disabled parking cards for worn and faded registration numbers and expiration dates.
- (j) Volunteers, from time to time, may be asked to assist the police department in surveillance operations, to include; stores, motels, etc., for alcohol and/or tobacco violations and shoplifters.

343.4.4 STANDARD OPERATING PROCEDURES

- (a) Things that Citizen on Patrol volunteers cannot do:
1. Volunteers shall not be confrontational or demand information from an unwilling person. They will only observe, record and report activity from a safe location and distance. COP's will not approach suspects or suspect vehicles.
 2. Volunteers shall not put themselves or others in danger at any time.
 3. Volunteers shall avoid making a "Citizens Arrest" for activity deemed to be unlawful, unless directed by a police officer who is physically present at such occurrence. Remember, COP's are not police officers, and are not empowered by the Police Department to any degree above that of any other citizen.
 4. Volunteers shall refrain from the consumption of alcoholic beverages and/or medications that can potentially affect mental or physical alertness for a minimum of 8 hours prior to and during any patrol shift. There will be no use of any illegal substances at any time.
 5. Volunteers are not to approach a scene of a crime or a police call, unless directed to do so by a police officer.
 6. Volunteers shall not carry firearms, or weapons of any kind (this includes mace products) while on patrol.
 7. Volunteers should not leave their designated boundaries or areas of responsibility, without notifying the on-duty police officer.
 8. Volunteers shall not go out on patrol unless scheduled to do so.
 9. Volunteers shall not make medical transports in their private vehicles.
 10. Volunteers should use caution if entering a business establishment for a break with COP vests or radios on their person.
- (b) Things that Citizen on Patrol Volunteers should do:

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1. Volunteers should always patrol with at least two members, whether it be in a motorized vehicle, bike, or on foot.
2. Volunteers should be visible, it's a deterrent.
3. Volunteers should be courteous at all times and explain the purpose of their presence when appropriate.
4. Volunteers should remain calm and withdraw, if threatened.
5. Volunteers should display COP logos on their vehicles while out on patrol, unless directed otherwise by a police supervisor.
6. Volunteers should always wear the appropriate identifying COP clothing, unless specified otherwise by a supervisor.
7. Volunteers are encouraged to establish a relationship and dialogue with Buhl Police officers.
8. Volunteers shall obey traffic laws at all times and may not use any type of emergency lights or audible warning devices on patrol. A seat belt will be worn while a COP vehicle is in motion.
9. Volunteers may go upon private property only with the permission of the owner of the property or persons in control of that property.
10. Volunteers shall carry their official COP identification card with them on patrol.
11. Volunteers shall follow all established communication guidelines.

343.5 BASE-STATION OPERATIONS

The Buhl Police Station at 201 Broadway Ave. N. will serve as the base station for all COP operations. The designated telephone line for COP will be 543-4200.

343.6 LIABILITY

Volunteers are covered under the Idaho County Risk Management Program and City of Buhl Workman's Compensation. In order to be covered and insured:

- (a) The COP Association must have policy and procedural guidelines. (A copy of this has been submitted to the Insurance Designers).
- (b) The COP Association must not make any confrontations and will only observe, record, and report information.
- (c) Volunteers can not carry firearms, or any other weapon.
- (d) No more than 12 volunteers should be out at any given time, unless with prior approval.

Native American Graves Protection and Repatriation

344.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

344.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

344.2 POLICY

It is the policy of the Buhl Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

344.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land – Director of the Idaho State Historic Preservation Office (Idaho Code 27-502).
- Tribal land - Responsible Indian tribal official

344.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Internal Active Shooter Response Policy

345.1 PURPOSE AND SCOPE

Active shooter attacks are dynamic incidents that vary greatly from one attack to another. Unlike a defined crime, such as a murder or mass killing, the active aspect inherently implies that both law enforcement personnel and citizens have a potential to affect the outcome of the event based upon their responses. The Department of Homeland Security defines an active shooter as: "an individual actively engaged in killing or attempting to kill people in a confined and populated area, in most cases active shooters use firearm(s) and there is no pattern or method to the selection of their victims"

Source: NYPD Active Shooter Study, 2011

In the event of an active shooter event at a Buhl Police Department/City Hall/Fire Department facility (As there are located in one city building), civilian employees should be mentally prepared and have a predetermined personal safety plan in responding to and surviving such an incident. Because Buhl Police Department employees who work within the facility are familiar with this policy and have previously developed a plan of either run, hide, or fight in order to survive such an event.

345.2 PROCEDURE

RUN:

- Have an escape route and plan in mind
- Leave your belongings behind
- Evacuate regardless of whether others agree to follow
- Help others escape, if possible
- Do not attempt to move wounded people
- Prevent others from entering an area where the active shooter may be
- Call 911 when you are safe

HIDE:

- Hide in an area out of the shooter's view

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- Lock the door or block the entry to your hiding place
- Silence your cell phone (including vibration mode) and remain quiet

FIGHT:

- Fight as a last resort and only when your life is in imminent danger
- Attempt to incapacitate the shooter
- Commit to your actions... your life depends on it
- Look to use improvised weapons to defend yourself

When Law Enforcement Arrives:

- Remain calm and follow instructions
- Put down any items in your hands (i.e. bags, jackets)
- Raise hands and spread fingers
- Keep hands visible at all times
- Avoid quick movements towards officer such as holding onto them for safety
- Avoid pointing, screaming or yelling
- Do not stop to ask officers for help or direction when evacuating

Information to provide 911 operator:

- location of the active shooter
- Number of shooters
- Physical description of shooters
- Number and type of weapon in the possession of the shooter(s)
- Number of potential victims at the location

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345.3 ADDITIONAL SAFETY INSTRUCTIONS

The first officers to arrive at the scene will not stop to help injured persons. Expect rescue teams to follow the initial officers. These rescue teams will treat and remove the injured. Once you have reached a safe location, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave the area until law enforcement authorities have instructed you to do so.

Civil Matters

346.1 CIVIL MATTERS

Members frequently respond to calls for service that do not involve any crime being committed and are civil in nature. Members should avoid becoming unnecessarily involved in civil matters and may advise the parties involved to seek the advice of legal counsel. The presence of members at such scenes is primarily to keep the peace and to prevent a crime from occurring and not to provide legal advice nor recommend any legal counsel.

Tire Deflation Devices

347.1 PURPOSE AND SCOPE

Tire deflation devices placed across the roadway may be used when members are engaged in certain types of pursuits. The pursuit initiated by the members shall strictly adhere to the vehicle pursuit policy set fourth in the Policy: Pursuits.

This policy will also cover pursuits initiated by outside law enforcement agencies when the department is requested by that agency to assist with the pursuit that passes through or continues within jurisdiction.

347.1.1 USE OF TIRE DEFLATION DEVICES

Prior to using the tire deflation devices, the member shall successfully complete required training. The safety of the involved members, the public, and the fleeing subject must never knowingly be sacrificed.

Tire deflation devices shall not be used on the following types of vehicles:

- (a) Motorcycles, mopeds, two-or three-wheeled vehicles, all terrain vehicles or similar vehicles.
- (b) Tire deflation devices should not be deployed to stop the following vehicles, unless continued movement of the pursued vehicle would result in an unusual or significant hazard to others:
 - 1. Any vehicle where the member reasonably should know the vehicle is transporting a hazardous material.
 - 2. Any passenger bus transporting passengers.
 - 3. Any school buss transporting pupils.
 - 4. Any vehicle that would pose an unusual hazard to innocent parties (i.e. vehicle transport carrier, large construction equipment carrier, etc.).

347.1.2 AUTHORIZATION

Members may deploy the tire deflation device only after receiving approval from a supervisor if possible, and in conjunction with the safe termination of a pursuit that otherwise would pose a threat to the safety of others. Potential strategic locations for placement shall be discussed and established beforehand, as much as practical.

347.1.3 DEPLOYMENT

The members deploying the system should use any available safety barriers such as guardrails, abutments, bridges, or patrol vehicles. Measure should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicle.

- (a) The police vehicle will be placed on the side of the roadway, facing the direction of the pursuit with all emergency lights activated. The patrol vehicle may be angled slightly to narrow the roadway and force the suspect driver over the tire deflation device. If

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time or circumstances do not permit the above placement of the police vehicle, it may be positioned facing the upcoming pursuit.

- (b) The police vehicle(s) will not be occupied.
- (c) When possible, a second police vehicle should be placed on the opposite side of the roadway, with all emergency light activated, in order to funnel the suspect vehicle over the tire deflation device.
- (d) It is imperative that all members involved are aware of the exact location of the deployed tire deflation device, so the pursuing members slow down in time to allow the removal of the device after the violator's vehicle crosses it.
- (e) The member who deploys the tire deflation device should remove them immediately after the violator's vehicle crosses them. The violator's vehicle will be slowing rapidly and the pursuing member should be prepared to take evasive action to avoid contact with the violator's vehicle.

347.1.4 REPORTING

The supervisor authorizing the use of the tire deflation device shall be responsible for submitting a Use Of Force Report, only if an injury occurs to any occupant of the vehicle which can be contributed to the use of the tire deflation device. In all other circumstances, the use of the tire deflation device shall be documented in the report, if applicable. Supervisors will be responsible for inspection and replacement procedures for the tire deflation device once used prior to being put back into service.

Custodial Interference

348.1 PURPOSE

This policy provides the Buhl Police Department members with guidelines for investigating custodial interference incidents.

348.2 CUSTODIAL INTERFERENCE

Definition:

A person commits child custody interference if the person, whether a parent or other, or agent of that person, intentionally and without lawful authority:

- Takes, entices away, keeps or withholds any minor child from a parent or another person or institution having custody, joint custody, visitation or other parental rights, whether such rights arise from temporary or permanent custody order, or from the equal custodial rights of each parent in the absent of a custody order; or
- Takes, entices away, keeps or withholds a minor child from a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights.

348.3 CONSIDERATIONS

Child custody cases are often complicated and volatile. Emotions are high, and allegations of abuse are frequently made.

- One or both parties may produce court documents granting permanent or temporary custody of the children
- The officer will usually not be able to verify the validity of court documents, and it is often difficult to determine if there is a custodial interference violation.

Exigent circumstances may include but are not limited to:

- Stranger abductions.
- Non-custodial parents who are attempting to flee out of the state with the the child/ children.
- Any person who had not established custodial rights to the child/children.

DO NOT make arrests at the scene for custodial interference unless exigent circumstances exist.

Defense to Prosecution,

It shall be an affirmative defense to a violation of the provisions of this section that:

- The action is taken to protect the child from imminent physical harm;
- The action is taken by a parent fleeing from imminent physical harm to himself;
- The action is consented to by the lawful custodian of the child; or
- The child is returned within twenty-four (24) hours after expiration of an authorized visitation privilege.

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- Violation of Custodial Interference would be a felony, unless the defendant did not take the child outside the state, and the child was voluntarily returned unharmed prior to the defendant's arrest in which case, the violation would be reduced to a misdemeanor.

Consult a supervisor prior to making an arrest.

348.4 PROCEDURES

Perform a civil standby while the complaining party makes a demand for the children.

Investigate allegations of physical or sexual abuse; check the welfare of the children, investigate appropriately, and document findings.

If the alleged non-custodial parent refuses to surrender the child/children:

- Explain the custodial inference statute and advise the parent that they may be prosecuted if they do not comply with the law.
- If the child/children cannot be located, enter the child/children into NCIC as "involuntary missing."
- "Long Form charges" for Custodial Interference to the prosecutors office if the parent refuses to comply with the law (**Preferred Method before arrest is made**).

If an arrest is necessary, the following will apply (this would apply i.e. if the child was taken out of state, immanent danger etc.):

- Contact Supervisor prior to arrest.
- Contact the prosecutor's office prior to arrest.
- If the supervisor and prosecutor determines there is enough for an arrest or detention order;
- Book the suspect into jail.
- Write and forward a report (include court documents if possible).
- Place the child/children with the custodial parent or Child Protection Services as appropriate.

School Resource Officer (SRO)

349.1 PURPOSE AND SCOPE

The School Resource officer(s) are sworn police officer(s) who function as a cohesive unit assigned to work with juveniles within the Buhl School District. These officers provide a variety of educational resources to the school and community. The SRO's primary workplace is within the schools to which he/she has been assigned. The SRO works closely with school administrators and staff to provide student education, and counseling, enforcement of school rules and policies; and enforce state and local laws.

349.2 RESPONSIBILITIES AND ROLE OF SCHOOL RESOURCE OFFICER(S)

The primary mission of the School Resource Officer is five-fold: Law-Related Educator, Public Safety Specialist, Law Enforcement Officer, Community Liaison and Problem Solver, and Coordinator.

Law Related Educator - to foster educational programs and activities that will increase student's knowledge of and respect for, the law and the function of law enforcement agencies:

- Instruction may be in the form of classroom presentations, public educational presentations, or in-service school staff presentations. Presentations should be made available to these groups on any topic concerning the police, law, legal processes, crime prevention, courts, drug use, or other topics as appropriate. Whenever possible, officers shall follow class outlines approved by supervisors.
- Outlines for each topic offered to teachers shall be maintained and written in the approved outline format. Lesson plans should be updated as needed. All outlines and display materials shall present a professional appearance.
- At the beginning of each school year, the SRO shall provide a current list of instruction topics to all appropriate teachers, school department heads, and administrators. This will remind returning teachers or introduce the program to new teachers so they can coordinate appropriate topics with the curriculum.
- Each time an SRO develops or revises a lesson plan, that officer will forward a copy to the school administration for approval.
- Teachers will be asked to give feedback to the SRO on presentations and lesson plans.

Public Safety Specialist - to assist schools in implementing effective and research-based strategies to increase school safety:

- SRO will provide information, when requested, to school faculty concerning legal issues, as they relate to the school community. Such issues may include, but are not limited to laws, consequences of infractions of the law, various aspects of the criminal justice system, availability of legal, educational, and mental health resources within the community, and police operations.

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- Within the limits of State Statute and other appropriate guidelines, SRO may discuss with the school administration any activity of that school's students, which may affect the safety and welfare of the school population.

Law Enforcement Officer - to have authority to handle criminal acts. To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school including, but not limited to, behaviors such as trespassing, the possession and use of weapons on campus, and the illegal sale and use of controlled substances:

- On-duty SRO shall be the reporting officer for criminal acts that occur when they are in assigned schools.
- When a police report or a call for service is required and the assigned SRO is not available, an on-duty patrol unit will be sent to the school to handle the call for service and take the report.
- SRO will only be responsible for, calls for service dealing with juveniles only if they occur on School property and while the SRO is in service.
- SRO will take appropriate police action to enforce local and state laws on the school grounds. All arrests will be made pursuant to current Standard Operating Procedures regarding juvenile or adult arrest procedures. Calls for services or reports taken regarding juveniles off campus will be the responsibility of the on-duty patrol unit.
- SROs should be alert to intelligence-gathering opportunities to ensure they are aware of criminal activity involving the school community. Reports, that involve juvenile activity, which may affect the school community, shall be forwarded to the appropriate resources (other police agencies, Special Investigations Divisions, Criminal Investigations Division, roll calls, district administrators, Chief of Police, Gang Unit, etc.).

Community Liaison and Problem Solver

- To be aware of and utilize community service contacts that can be helpful in solving problems that arise in the school setting.

Coordinator

- To serve as the primary contact for, and coordinator with, other law enforcement personnel.

RESPONSIBILITIES are as followed but not limited to the following:

SRO Duties

School Resource Officers are comprised of experienced sworn members who are trained in crime prevention, public speaking, community policing, and community juvenile programs. These members work out of offices located in a select school within our jurisdiction to provide a proactive strategy for crime prevention, prevention of juvenile victimization, and to provide a secure and orderly learning environment for students, teachers, and staff.

1. Investigating and preventing crimes against persons or property;
 - (a) Identifying and arresting violators of state and local laws;

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- (b) Filing investigative reports and other required reports or documents;
 - (c) Patrolling; and, to a limited extent, maintaining building security, controlling traffic, and enforcing traffic laws.
 - (d) Counseling students and parents (See Student Consultation section)
 - (e) Liaison between the school district and law enforcement.
 - (f) Guest speaker/teacher
 - (g) Developing a positive rapport with students
 - (h) Will investigate crime(s) within the jurisdiction of the city of Buhl and refer reports of criminal activity outside the jurisdiction of the city of Buhl to the appropriate agency.
2. The SRO shall endeavor to maintain open and regular communication with school principals and shall positively promote the school, staff, students, and administration to the community.
 3. The Buhl Police Department will communicate with the assigned school principal whenever concerns or problems regarding, duties, or other job-related functions.
 4. The interiors of buildings will not be patrolled by SROs except as is necessary to investigate crimes and apprehend criminal suspects; however, the SROs shall maintain high visibility with students during break and lunch periods.
 5. Special Events
 - (a) The District and/or respective school shall provide the Buhl Police Department with a list of special events and scheduled after-school activities for all schools within the city limits of Buhl at which the district and/or respective school is requesting law enforcement officers to be present.

Student Consultation

- School Resource Officers are NOT intended to replace school counselors nor are they to conduct any formal psychological counseling. School Resource Officers will advise students on responsibilities and procedures concerning criminal matters. School Resource Officers in conjunction with school administrators, will utilize mediation to resolve issues between students. However, the use of mediation or other resolutions will not preclude the necessity to prepare the required police report. Students' confidentiality shall be maintained as appropriate; however, police reports and/or incident reports must be completed.
- School Resource officers will discuss and advise students and staff on the law enforcement perspective of a variety of topics. Student confidentiality shall be maintained as appropriate; however, police reports shall be filed when necessary. School Resource Officers should work collaboratively with district and school staff to solve problems and are expected to make necessary referrals to support and/or resource agencies when appropriate.

Reporting Procedures

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- SROs will complete a monthly log of their activities within the schools. This log will include but not be limited to; criminal activities, truancy issues, student contacts, status offenses, etc. This information will be used for monthly reports to the city council.

Availability for work

- SROs are expected to be available for his/her work assignment when school is in session. Officers requesting vacation for holidays and summer breaks are encouraged to submit requests well in advance.
- When school is unexpectedly dismissed for the day, i.e., snow days, the School Resource Officer will either use earned comp time for time off, work on other projects for the school or work a patrol shift for that period of time off.
- When an SRO is unable to work their shift they will need to contact their supervisor (Chief of Police) and school principal(s).
- When School is not in session i.e., holiday breaks, spring break, and summer break the SRO will communicate with the Chief of Police to create a schedule during that specific time frame.

Exercise of Discretion within School Setting:

- SROs will give consideration to the interests of all concerned parties, including those of school administrators when determining a course of action in a particular situation. This will in no way interfere with the appropriate exercise of police authority. Arrest, interrogations, or interviews with students of other personnel shall be carried out in a manner that is consistent with the officer's best judgment, legal requirements, and Departmental guidelines.

School Discipline

- Verbal Warning - An informal notification by an SRO to a student about a violation of school rules or school policy, the violation of which does not meet the elements of a criminal offense. Information regarding SROs' verbal warnings may be communicated to School Administrators for their consideration and/or follow-up action.
- Unless incidents that result in School Discipline become criminal in nature, the Buhl Police Department has NO jurisdiction in school disciplinary matters. School disciplinary matters are those addressed by school policy and/or school disciplinary regulations. SROs' may be called as witnesses at School Expulsion Hearings.
- When a school's Administrators discuss school disciplinary matters with students or parents the SRO may be requested to preserve the peace. While in that capacity, an SRO will not intervene unless a criminal violation is identified or observed. If, while preserving the peace, criminal activity is observed or becomes known to the SRO, appropriate law enforcement action will be taken, and police reports will be filed.
- Officers may be confronted with situations involving behavior disorders or mentally challenged students. Officers will use discretion in their decisions to intervene in these situations. Usually, the behavior disorder teacher or other school personnel will handle all hands-on interventions with their students. The SRO may be requested to physically intervene by school personnel when the behavior of the juvenile violates the law and/

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or becomes dangerous. If an SRO is in the immediate area of a conflict and observes a situation that presents an immediate danger of physical harm to any individual, the officer will intervene with or without a request from school personnel. Appropriate police reports will be filed, and the SRO supervisor will be notified.

School Disciplinary Hearings

- School Administrators may request that SROs attend expulsion hearings to provide security for the school personnel and preserve the peace when indications are such that the students or other attendees may react in a threatening or physical manner.

Voluntary Student Contacts

- Voluntary or Social Contacts are those where the SRO contacts students in a non-accusatory, non-confrontational, and non-custodial setting. Examples might include student-initiated, parent-initiated, school administrator-initiated, Officer initiated, or teacher-initiated contacts. Other examples can include officer-initiated greetings to students or, merely engaging students in general conversations. Voluntary student contacts will also include those previously mentioned contacts that are student or officer-initiated and do not involve criminal activity. No parental notification or principal notification is required prior to or during voluntary contact.
- SROs are encouraged to conduct voluntary contact with students and school staff members. If information regarding criminal acts surfaces during these contacts, appropriate reports, and follow-up investigations will be conducted.

Search and Seizure

- It is important to note that the standard authorizing school administrators to search is a lesser standard than that required of police officers. Thus, when school administrators request SROsto conduct a search, the standard needed for the officer to search increases to the Probable Cause standard.
- If administrators take the lead in conducting a search and the SROs' only responsibility is to preserve the peace, if requested by the school official, the standard for the school officials' search will be determined by school rules and procedures and remains outside the scope of police authority. Any active searching by the SRO will require the higher Probable Cause Standard and will in most cases necessitate a search warrant.
- Students have Fourth Amendment protections; however, searches by school officials are held to a lesser standard than the probable cause needed for a search under police authority - The legality of the school-initiated search depends on the reasonableness of the circumstances and applicable law.
- Officers must ensure they do not engage in conduct that conveys they arranged, coerced, or directed a school official's search actions.
- Parking lot searches and Locker searches - Plain view exceptions are ideal for SROs while conducting a parking lot security check. If there are doubts about the validity of an intended search. officers should consult a supervisor. Again searches conducted solely by School Administrators require a lower standard, but searches must not be conducted at the direction of the SRO.

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School Resource Officer (SRO)

- If an SRO receives unverifiable information that possibly affects school safety, that information will be forwarded to School Officials who may take action at their discretion. Officers will be available to keep the peace but must ensure School Officials are not used as "Government Agents" for the purpose of conducting searches at the direction of the SRO. School Officials must not be encouraged to perform searches as an agent for the SRO.
- Items or areas in public places have little, if any, expectation of privacy. Canine sniffs of items in these areas do not amount to searches within the meaning of the Fourth Amendment. A dog's alert or hit on an item or area may form the basis to search an item or area by school officials. All canine searches may be conducted at the request of school administrators.

Personal Relations with School Faculty and Students

- During contact with faculty and students, especially of the opposite sex, SROs' must realize they are under great scrutiny. Any situation that would reflect negatively upon themselves or the Buhl Police Department should be avoided. In particular, they should structure their contacts so that there can be NO question of improper behavior. SROs' should use good judgment when interviewing, transporting, or contacting students. Unusual situations or contacts should be discussed with their supervisors and school administration.

Confidentiality

- SROs are expected to follow all legal and departmental guidelines governing the release of police information. Since most members of the school community are juveniles, SROs should be especially careful to maintain confidentiality with regard to information about juveniles. There are specific guidelines concerning the sharing of information between criminal justice agencies and school officials (FERPA). SROs' should familiarize themselves and school officials with these guidelines on an ongoing basis. Officers should rarely disseminate information and should seek supervisory approval before releasing information.

Police Department Uniform and Equipment

- School Resource Officers will ordinarily wear the chief-approved uniform of the day when on duty in their schools. When circumstances dictate, they may request approval from the Chief of Police to wear civilian clothing.

Canine Unit Operations within Schools

- When the Police Department's Canine Unit is available to schools within the City, the SROs' primary mission is to coordinate arrangements between the schools and the police department for available dates for canine searches in the schools. When a police canine operation is scheduled, the SRO and school administrator will be present during the operation. The canine will be used in specific areas requested by the school administrator.
- Police personnel must make it clear that actual searches of lockers, desks or other closed areas are carried out by school officials, not by the police. Aside from the Canine Officer who is handling the dog, all police personnel must maintain a distance

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from the search sufficient to make it clear that they are not conducting the search. If the police dog gives an indication of the presence of drugs, the canine officer will notify the school administrator of the specific location where the indication was given and will then withdraw from the immediate area. Police personnel will not conduct searches of closed areas. It is the responsibility of the school officials to conduct any actual search. Officers present may answer questions regarding the nature of the items or substances found by the administrations.

- The School Resource Officer will act as the evidence officer. All illegal contraband discovered by the school administrator will be turned over to the School Resource Officer and processed appropriately. All school canine operations will be conducted within the recognized guidelines.

Working School Events/Functions

- School Resource Officers may be allowed to work after-school events.

Generative Artificial Intelligence Use

350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for [department/office] use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of [department/office] information technology resources are found in the Information Technology Use Policy.

350.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

350.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance [department/office] procedures, and improve the overall effectiveness of the Buhl Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as [department/office] tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the [Department/Office] to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the [Department/Office] using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

350.3 RESPONSIBILITIES

350.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any [department/office] functions.

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350.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administration Sergeant or the authorized designee.

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

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the [Department/Office] consistently over time.
 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the [department/office]'s use of the system.
 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of [department/office] data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the [Department/Office] and third-party vendor.
- (c) Coordinating with others within the [Department/Office] and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
- (d) Maintaining a list or inventory of [department/office]-approved GenAI systems and, when appropriate for [department/office] transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

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- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each [department/office]-approved GenAI system.
- (h) Ensuring access to [department/office] GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the [Department/Office] to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the [department/office]'s needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and [department/office] practices and proposing updates as needed to the Chief of Police.
- (m) Developing procedures in coordination with the *Brady* information coordinator and the Office/Records Manager for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Idaho Public Records Act.

350.4 USE OF GENERATIVE AI

The use of [department/office] GenAI systems by [department/office] members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).
- (c) Include a statement in the final document or work product that GenAI was used to aid in its production.

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Generative Artificial Intelligence Use

350.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

350.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

350.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of this department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the Buhl, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, including residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other divisions within this department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and Problem Solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Buhl Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Detective Unit Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Buhl Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Section for distribution to all divisions within this department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within this department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the Memorandums clipboard.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Detective Unit for display of suspect information, intelligence reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the General Order will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Buhl Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Buhl Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

Members of the Buhl Police Department shall not engage in motorcycle profiling. Motorcycle profiling includes arbitrary use of facts such as a person riding a motorcycle or wearing motorcycle-related paraphernalia as factors in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle under the United States Constitution or Idaho State Constitution (Idaho Code 49-1431).

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to

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a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
 - 1. Corrective measures shall be taken if bias-based profiling occurs, in accordance with the Personnel Complaints Policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION REVIEW

Annually, the Uniform Patrol Sergeant shall review the efforts of the Department to provide fair and objective policing and submit a documented administrative review, including public concerns and complaints, to the Chief of Police. The administrative review should not contain any identifying information about any specific complaint, citizen, or officers. It should be reviewed by the Chief of Police to identify any changes in practices, training, or operations that should be made to improve service.

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Supervisors should review the administrative review and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.
- (c) Legal aspects.

Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

402.2 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Chief of Police for inclusion in training records, as appropriate.

Crime And Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally critical for the protection of life and property and investigation by proper authorities.

403.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

403.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure no suspects are still within the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log noting critical times and personnel allowed access.

403.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

403.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

403.4 EXECUTION OF HEALTH ORDERS

Any sworn member of this department may execute and enforce all orders of the state board of health and welfare issued pursuant to Idaho Code Title 39, Chapter 6, concerning the control of

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venereal diseases, and concerning the care, treatment and quarantine of persons infected (Idaho Code 39-605).

Marked Vehicles

404.1 PURPOSE AND SCOPE

To establish the professional philosophy and procedures governing the operations of police vehicles in the course of service to the public.

404.2 EMERGENCY EQUIPMENT

The equipment, which must be utilized by an officer, engaged in a pursuit or other emergency response. Emergency equipment includes an audible signal (siren, horn, whistle or bell) capable of generating at least 100 decibel rating at a distance of 10 feet and capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. A flashing light visible in a 360-degree arc at a distance of 1,000 feet under normal atmospheric conditions.

404.3 ROUTINE OPERATION

Standard equipment on marked vehicles includes hazardous warning lights and alley (side) lights on the rooftop. Hazardous warning lights shall be used at any time the police vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner that will blind or interfere with the vision of operators of other approaching vehicles. Public address system (PA) may be used when appropriate circumstances are present, (i.e.; voice commands/warnings).

404.4 UNMARKED VEHICLES

Officers operating unmarked vehicles shall exercise extreme caution when conducting an emergency response. Unmarked vehicle operators must consider the totality of the circumstances facing them when making the crucial decision to initiate an emergency response.

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Buhl Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this department
- Denial by any supervisor

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Sergeant, or Shift Supervisor.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Shift Supervisor. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Idaho driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Shift Supervisor will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Supervisor as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of this department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once a month. An exception would apply to the following: Certified Officers, Cadets, Explorers, Chaplains, Reserves, police applicants, and all others with approval of the Shift Supervisor.

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Ride-Along Policy

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Supervisor or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and an automated check prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Buhl Police Department).

405.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Shift Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Shift Supervisor with any comments which may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

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- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary.

The Buhl Police Department generally defers incidents involving hazardous materials to fire departments or to the Idaho State Police (ISP). These agencies will be provided with reasonable support and assistance.

406.2.1 HAZARDOUS MATERIAL ROLE AND RESPONSIBILITY

The Idaho State Police is the responsible agency for hazardous materials if no other agency assumes responsibility. The fire department has assumed that role within Buhl. The Buhl Police Department has declined to assume any hazardous material responsibility and will support and aid the fire departments or Idaho State Police in their role (Idaho Code 67-2901).

406.2.2 CLANDESTINE DRUG LABS

Suspected clandestine drug labs present extreme dangers from explosions and exposure to hazardous chemicals. Officers encountering a suspected clandestine drug lab should immediately leave the property without disturbing any lights, power, heating or cooking elements. Additionally, equipment and chemicals located at the site should remain undisturbed. The responding officer should request that a supervisor respond to the scene.

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The on-scene Buhl Police Department supervisor at any suspected clandestine drug lab should immediately contact and request a response from the following:

- Idaho State Police Investigation Lab Team or the nearest ISP Investigation office.
- The Fire Department or regional hazmat response team.

The Buhl Police Department will not assume any responsibility for clean-up of clandestine drug labs, but will support ISP in their investigation.

Once a property has been positively identified as a clandestine drug lab, the on-scene Buhl Police Department supervisor will coordinate mandated Department of Health and Welfare notifications with the ISP investigator in charge. If the ISP investigator requests that the Buhl Police Department handle the notifications, the on-scene Buhl Police Department supervisor will be responsible for completing and submitting such reports (IDAPA 16.02.24.110).

406.3 REPORTING EXPOSURE(S)

Police Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by this department will be obtained through the Fire Department.

Hostages and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the Buhl Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer

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shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Chief of Police.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

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407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Chief of Police.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or SIRCOMM (Southern Idaho Regional Communications Center).
- (i) Identify a media staging area outside the outer perimeter and have the department Chief of Police or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition of relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

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407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

408.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate Regional Response Team should be summoned for assistance (IDAPA 15.13.02.100).
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Shift Supervisor including:
 1. The stated threat.
 2. Exact comments.
 3. Time of discovery.
 4. Exact location of the device.
 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

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Response to Bomb Calls

408.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

408.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire Department
- (b) Bomb Squad
- (c) Additional officers
- (d) Field supervisor
- (e) Shift Supervisor
- (f) Detectives
- (g) Forensic Science Services

408.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

408.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Response to Bomb Calls

408.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

408.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

408.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Supervisor is immediately advised and fully informed of the details. The Shift Supervisor will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Crisis Intervention Incidents

409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.2 POLICY

The Buhl Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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Crisis Intervention Incidents

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Sergeant to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

409.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Crisis Intervention Incidents

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

409.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

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- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Sergeant.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

409.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

409.11 EVALUATION

The Sergeant designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

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Crisis Intervention Incidents

409.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Civil Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment.

410.2 POLICY

It is the policy of the Buhl Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

410.3 AUTHORITY

An officer may take a person into protective custody and transport the person to an approved facility or hospital, as applicable, when (Idaho Code 56-1904; Idaho Code 66-326):

- (a) There is probable cause to believe that the person is gravely disabled due to mental illness or poses an imminent danger to themselves or others as evidenced by a threat of substantial physical harm.
- (b) There is probable cause to believe that a person with a neurocognitive disorder is likely to injure themselves or others.
- (c) A court order is issued under Idaho Code 56-1905 or Idaho Code 66-329.

Upon taking a person into protective custody, a good faith effort shall be made to provide notice to the person's legal guardian, parent, spouse, or adult next-of-kin of the person's physical whereabouts and the reasons for taking the person into custody (Idaho Code 56-1904; Idaho Code 66-326).

410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person as a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

410.3.2 PROTECTIVE CUSTODY OF CHILDREN

An officer may take a child 17 years of age or younger into protective custody and immediately transport the child to an approved treatment facility or program for an emergency mental health evaluation when the officer determines (Idaho Code 16-2411):

- (a) An emergency situation exists.

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- (b) There is probable cause to believe the child is suffering from a serious emotional disturbance.
- (c) The child is likely to cause harm to themselves or others or the child's health and safety are at risk.
- (d) Both immediate detention and treatment are necessary to prevent harm to the child or others.

Probable cause shall be based upon the officer's personal observation, information from the child's parents, or the recommendation of a mental health professional (Idaho Code 16-2411).

The officer shall inform the medical staff in writing of the facts that caused the detention and specifically state whether the child is otherwise subject to being held for juvenile or criminal offenses (Idaho Code 16-2411).

The law enforcement agency shall notify the child's parent, guardian, or custodian as soon as possible, but no later than 24 hours, of the child's status, location, and the reasons for the child's detention. If the parents cannot be located or contacted, both the efforts made and the reasons for failure to contact the responsible adult shall be documented in a written report (Idaho Code 16-2411).

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

410.4.1 SECURING PROPERTY OF CHILDREN

Upon taking a child into protective custody for a mental health evaluation, the officer should make reasonable efforts to safeguard and preserve any property of the child unless a responsible adult is able to do so (Idaho Code 16-2411).

410.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have SIRCOMM (Southern Idaho Regional Communications Center) notify the receiving facility of the

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estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Supervisor approval is required before transport commences.

410.5.1 TRANSPORTING CHILDREN

If the examining physician determines that a child does not meet the criteria for emergency evaluation and treatment, and the child is subject to detention for a juvenile or criminal offense, the officer shall return to the treatment facility or mental health program to transport the child to a juvenile detention facility (Idaho Code 16-2413).

410.5.2 TRANSPORTING BETWEEN MEDICAL FACILITIES

Whenever an officer deems it necessary to apply restraints to an individual while transporting an individual from one medical facility to another and that restraint is against the medical advice of a licensed physician, the officer shall document the use of restraints in a report and the report shall be provided to the receiving facility (Idaho Code 66-345).

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

410.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.7.1 REPORTING TO COURT

The officer taking a person with a mental illness or neurocognitive disorder into protective custody without a court order shall ensure that necessary documentation is submitted to the appropriate court within 24 hours of the involuntary detention (Idaho Code 56-1904; Idaho Code 66-326).

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Civil Commitments

410.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a civil commitment should resolve the criminal matter by issuing a warning or a uniform citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

Citation Releases

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Buhl Police Department with guidance on when to release adults who are suspected offenders on a uniform citation obtaining a written promise to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail (Idaho Code 19-3901; I.M.C.R. Rule 5).

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

411.2 POLICY

The Buhl Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a uniform citation with a promise to appear in court, when authorized to do so.

411.3 RELEASE

When a misdemeanor or infraction is triable by a magistrate, an officer may, in lieu of making a written complaint, issue a uniform citation containing a complaint and summons to appear in a form and in the manner prescribed by rule of the supreme court (Idaho Code 19-3901).

A suspected offender for a misdemeanor traffic violation who is not taken before a magistrate as required or permitted by the motor vehicles statutes shall be released on issuance of a uniform citation with a promise to appear in court (Idaho Code 49-1409).

Release by uniform citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

411.4 PROHIBITIONS

For the following felonies, or misdemeanors committed in the presence of an officer, a uniform citation is not permitted and the suspected offender shall be taken without unnecessary delay before the proper magistrate (Idaho Code 49-1405):

- (a) Negligent homicide.
- (b) Driving, or being in actual physical control of, a vehicle or operating a vessel while under the influence of alcohol or other intoxicating beverage.
- (c) Driving a vehicle or operating a vessel while under the influence of any narcotic drug, or driving a vehicle or operating a vessel while under the influence of any other drug to a degree that renders the person incapable of safely driving a vehicle.
- (d) Failure to stop, failure to give information, or failure to render reasonable assistance in the event of an accident resulting in death or personal injuries.

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Citation Releases

See the Domestic Violence Policy for release restrictions related to those investigations.

411.4.1 RELEASE OF OFFENDER WHEN MAGISTRATE NOT AVAILABLE

Whenever an offender is taken into custody for the purpose of taking him/her before a magistrate as required under the Idaho Motor Vehicles Law for any charge other than a felony or the offenses outlined in the Prohibitions section of this policy, the person may be released from custody by a uniform citation and signed promise to appear under the following conditions (Idaho Code 49-1412):

- (a) The magistrate is not available at the time of arrest.
- (b) There is no bail schedule established by any magistrate or court.
- (c) There is no lawful court clerk or other public officer available to accept bail.

411.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Buhl Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Buhl Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

412.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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Foreign Diplomatic and Consular Representatives

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Foreign Diplomatic and Consular Representatives

Diplomatic Agent	No, see note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Member of Admin and Tech Staff	No, see note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Service Staff	Yes, see note a	Yes	Yes	Yes	No for official acts. Yes otherwise, see note a	No immunity or inviolability, see note a
Career Consul Officer	Yes if for a felony and pursuant to a warrant, see note a	Yes, see note d	Yes	No for official acts. Testimony may not be compelled in any case	No for official acts. Yes otherwise, see note a	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts. Yes otherwise	No for official acts. Yes otherwise	No immunity or inviolability
Consulate Employees	Yes, see note a	Yes	Yes	No for official acts. Yes otherwise	No for official acts. Yes otherwise, see note a	No immunity or inviolability
Int'l Org Staff (note (b))	Yes, see note c	Yes, see note c	Yes	Yes, see note c	No for official acts. Yes otherwise, see note c	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No, see note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

413.2 POLICY

The Buhl Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

413.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

413.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.5 PLANNING

The Uniform Patrol Sergeant should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

413.6 TRAINING

The Chief of Police should include rapid response to critical incidents in the training plan. This training should address:

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- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

414.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal services to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community.

414.2 DEPARTMENT POLICY

The U.S. immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, "United States Code" dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, "United States Code, §§1304,1324,1325 and 1326 this department may assist in the investigation and enforcement of federal immigration laws.

414.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Person(s) wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE), 1185 S. Vinnell Way, Boise, Idaho 83709 (208) 685-6600. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

414.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

414.3.2 SWEEPS

The Buhl Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status, or other groups.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

414.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department may provide available support; support services, such as traffic control, or peacekeeping efforts, during the federal operation. Members of this department should not participate in such federal operations as

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part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

414.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

414.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation. Generally the officer should not notify federal immigration officials when booking an arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should be continued to be detained solely for the purpose of notification.

414.3.6 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

In making the determination whether or not to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but limited to:

- (a) Seriousness of the offense
- (b) Community safety
- (c) Potential burden on ICE
- (d) impact on the community

414.4 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Idaho constitutions.

414.5 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

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An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

414.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

414.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

414.6.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

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414.7 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-visa/ T-visa status should be forwarded in a timely manner to the Criminal Investigation Division sergeant assigned to supervise the handling of any related case. The Criminal Investigative Division sergeant should do the following:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website at <http://www.uscis.gov/portal/site/uscis>.

414.8 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Buhl Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violation criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

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Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state, or local government entity (Title 8 U.S.C. §1373 and U.S.C. §1644).

Emergency Utility Service

415.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

415.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by SIRCOMM (Southern Idaho Regional Communications Center).

415.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by SIRCOMM (Southern Idaho Regional Communications Center).

415.2 TRAFFIC SIGNAL MAINTENANCE

The City of Buhl contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Idaho.

415.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise SIRCOMM (Southern Idaho Regional Communications Center) of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Field Training

416.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures, and operations of the of the Buhl Police Department. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

416.1.1 METHOD

The Buhl Police Department field training program will follow the San Jose model, as taught by the Kaminsky and Associates training organization.

416.2 FTO SELECTION, TRAINING, AND RESPONSIBILITIES

416.2.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of four years of patrol experience, two of which shall be with this [department/office].
- (c) Demonstrated ability as a positive role model.
- (d) Successful completion of an internal oral interview process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possession of, or ability to obtain, [department/office]-approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct, or poor performance.

416.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must complete a Field Training Officer update course every three years while assigned to the position of FTO.

416.2.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations, and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

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Field Training

416.3 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations (D.O.R.s, S.O.R.s, examinations, etc.).
- (b) End of phase evaluations.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

416.3.1 FTO COMPENSATION

Officers who commit themselves to becoming a certified Field Training Officer will receive an incentive pay increase in addition to their base salary. FTO incentive pay will be based on the incentive amount approved by the Buhl City Council and according to the department pay schedule. Additionally, they will be authorized to display upon their uniform, an "FTO" insignia pin. (Effective October 1, 2002, and upon continued approval of city council)

416.4 POLICY

It is the policy of the Buhl Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

416.5 FIELD TRAINING

The [Department/Office] shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive, and professional manner, in accordance with the general law enforcement duties of this [department/office].

To the extent practicable, field training should include procedures for:

- (a) Issuance of training materials to each trainee at the beginning of their field training.
- (b) Daily, weekly, and monthly evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
 - 1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Chief of Police and FTO coordinator.
 - 2. Assignment of the trainee to a variety of shifts and geographical areas.
 - 3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of their assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file including:

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Field Training

1. All performance evaluations.
2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

416.6 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The coordinator shall be appointed by and directly responsible to the Uniform Patrol Sergeant or the authorized designee.

The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

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

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating, and issuing [department/office] training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training and ensuring proper skills, knowledge, and tactics are taught.
- (h) Keeping the Shift Supervisor informed through monthly evaluation reports about the trainees' progress.
- (i) Maintaining a liaison with FTO coordinators from other law enforcement agencies.
- (j) Maintaining a liaison with police academy staff on recruit officer performance during academy attendance.
- (k) Performing other activities as may be directed by the Uniform Patrol Sergeant.

The FTO coordinator should be required to successfully complete a training course approved by this [department/office] that is applicable to the supervision of field training within one year of appointment to this position.

Aircraft Accidents

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

417.2 POLICY

It is the policy of the Buhl Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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417.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

417.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

417.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

417.8 DOCUMENTATION

All aircraft accidents occurring within the City of Buhl shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

417.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

417.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

417.9 MEDIA RELATIONS

The Chief of Police (Chief of Police) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Chief of Police should coordinate with other involved entities before the release of information.

Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile/Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

418.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Buhl Police Department to strengthen community involvement, community awareness, and problem identification.

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Contacts and Temporary Detentions

418.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the [officer_deputy] should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

418.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

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418.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

418.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

418.4.3 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.4.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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Contacts and Temporary Detentions

418.5 POLICY

The Buhl Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

418.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Buhl Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Buhl Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Office/Records Manager may not purge such documents without the approval of the designated supervisor.

419.4 TEMPORARY INFORMATION FILE

Department supervisors, with the permission of the Chief of Police, may maintain temporary information files for the purpose of identifying criminal organizations or enterprises, their members or affiliates.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, SIRCOMM (Southern Idaho Regional Communications Center) records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with Idaho Public Records Law or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

419.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

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- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Chief of Police to train members to identify information that may be particularly relevant for inclusion.

419.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The Detective Unit supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with the identification of criminal gang members as described in Idaho Code 18-8502(2) and patterns of criminal gang activity as described in Idaho Code 18-8502(3).
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

419.8 TRAINING

The Chief of Police should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.

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- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Shift Supervisors

420.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with the policies, procedures, practices, functions and objectives of this department. To accomplish this goal, a Sergeant heads each watch.

420.2 DESIGNATION AS ACTING SHIFT SUPERVISOR

When a Sergeant is unavailable for duty as Shift Supervisor, in most instances the senior qualified corporal shall be designated as acting Shift Supervisor. This policy does not preclude designating a less senior corporal as an acting Shift Supervisor when operational needs require or training permits.

Mobile Audio Video

421.1 PURPOSE AND SCOPE

The Buhl Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes, at minimum, a camera, microphone, recorder, and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

421.2 POLICY

It is the policy of the Buhl Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

421.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Buhl Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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421.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

421.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DWI/DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify SIRCOMM (Southern Idaho Regional Communications Center)
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons

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- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

421.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

421.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

421.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of SIRCOMM (Southern Idaho Regional Communications Center).

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the MAV system media.
 2. The date it was issued.
 3. The law enforcement operator or the vehicle to which it was issued.
 4. The date it was submitted.
 5. Law enforcement operators submitting the media.
 6. Holds for evidence indication and tagging as required.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician, or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

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Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot, or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

421.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection
- (l) As may be directed by the Chief of Police or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

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Mobile Audio Video

421.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

421.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule (Idaho Code 50-907; Idaho Code 31-871; or Idaho Code 67-4126).

421.7.1 RETENTION OF RECORDINGS OF EVIDENTIARY VALUE

Recordings of evidentiary value shall be retained pursuant to the organization's records retention schedule and at a minimum of 200 days (Idaho Code 31-871).

421.7.2 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

421.7.3 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Buhl Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

421.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

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- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

421.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

421.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and SIRCOMM (Southern Idaho Regional Communications Center).

422.2 POLICY

Buhl Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

422.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

422.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

422.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify SIRCOMM (Southern Idaho Regional Communications Center). It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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422.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Body Worn Camera

423.1 PURPOSE AND SCOPE

This policy is intended to provide officers with guidance on when and how to use Body-Worn Cameras (BWC's) so that officers may reliably record their contacts with the public in accordance with the law. This policy, and BWC, have been implemented by the Buhl Police Department ("BPD") to obtain and retain video and audio evidence to assist in better fulfilling its mission; to promote and maintain a peaceful, safe, and secure environment. The use of the Body-Worn Cameras are to accomplish several objectives.

The Primary Objectives include the following:

- (a) BWC's shall be used to transparently reflect the mission of the department, maintain public trust and confidence, and provide accountability to the citizenry.
- (b) BWC's allow for more accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of official reports.
- (c) Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purpose, and to provide additional information for the officer evaluation and training.
- (d) The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

423.2 USE OF BODY WORN CAMERA

Before using the BWC system, the officer must complete all prescribed BWC Department training relating to this policy as well as for the activation, use, annotation, and uploading of data.

- (a) Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.
- (b) All sworn officers employed with the Buhl Police Department, will be assigned a BWC. Officers assigned to special details (i.e. Narcotics investigations and undercover investigations) will have BWC's available for uniform interdiction work. Additional BWC's will be maintained for those officers in investigations or other assignments, which need to capture video evidence.
- (c) Officers assigned BWC system shall, at the beginning of their shift, inspect the recording system for visible signs of damage or inoperability. If at any time during the shift it is determined the unit is not functioning properly, officers will notify their immediate supervisor, and the unit will be taken out of service. The inspection shall include the following:
 1. The camera lens is clean and free of obstruction;
 2. The camera system is free of any visible signs of damage;

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3. The system has sufficient battery life for a shift of duty.
- (d) Officers shall report any malfunction of the BWC system to his/her immediate supervisor and ensure that the system is submitted for repairs. The supervisor will assign the officer another BWC, if available, to use interim. If there is no camera available for use, the officer shall ask dispatch to note the absence of the camera in the CAD history. Officers shall not attempt to repair the BWC system.
 1. Officers shall wear the BWC system in the prescribed manner and location consistent with manufacturer recommendations.
- (e) The BWC system shall be activated as soon as it is reasonable to do so anytime an officer may become involved in an enforcement contact, citizen contact, and agency assists. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, the officer shall begin recording as soon as practical, during an enforcement contact and continue to record until the completion of the event, to include the recording of statements.
 1. An enforcement contact includes all interactions with citizens where there is a reasonable suspicion that the person is involved in criminal activity or a violation of the law.
 - (a) The requirement for recording will include those instances of assisting other officers in an enforcement contact in any capacity, excluding those instances in 423.2 (f) and 423.2 (g).
 2. An exception to recording is recognized for the administrative taking of reports (such as not-in-progress burglary or stolen vehicle reports), during community outreach events (such as giving a talk to a citizen group or making neighborhood contact with store clerks while on patrol), and respecting an individual's right to privacy as outlined in 423.3 (a).
 3. In addition to enforcement contacts, officers shall record all Code 3 Responses regardless of the type of call.
- (f) Once activated, the BWC system shall not be deactivated until the event has been concluded unless:
 1. The event is protracted and continued recording is of no value (i.e., traffic control, crash scenes, extended perimeters; the officer is on the scene, but in no position to record, etc.).
 2. It is necessary to discuss issues or concerns with a supervisor from the Buhl Police Department in private.
- (g) In all instances that warrant the system being deactivated, the BWC may be temporarily muted or turned off. The intention to stop the recording will be noted by the officer verbally on the BWC. For example, "Recording muted/stopped to speak to a supervisor." if feasible, the mute option for the microphone should be utilized rather than turning the unit off.
- (h) Officers shall place their BWC in the approved department docking station, in the prescribed manner, before going off duty, to ensure recorded media is uploaded daily.

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- (i) Officers shall review all files (audio, video, and photographs) in Evidence.com, during their next tour of duty to ensure each of their files have been properly categorized and labeled with the auto-tagging feature. If any problems are identified with categorization or tagging, officers shall manually enter the appropriate information using the pre-defined list in the storage software (i.e., Major, Felony/Misdemeanor, Error, Infractions, No Enforcement Action, or Restricted). Report numbers and citation numbers should also be added, when applicable.
- (j) When officers create a recording of an incident related to a report, the officer shall explain in the report the existence of such recording. If for some reason, no recording is created, the officer shall notate the reason that no recording was created in their report.
- (k) Any officer assigned a BWC and a take-home vehicle shall make every reasonable effort to report to the station to obtain their BWC before responding to any calls for service. If obtaining the camera prior to responding to the call is not practical, the officer shall note the reason for not using their BWC in their report.
- (l) Officers may inform individuals they are being recorded.
 - 1. The viewing of BWC recordings, by any citizen, at the scene of an incident is prohibited without the approval of the Chief of Police.
 - 2. Requests by subjects of BWC recordings shall be referred to the Public Records Request procedure outlined in 423.6.
- (m) BWC, and all BWC recordings generated by City of Buhl Employees, are the sole property of the City of Buhl, and no City of Buhl Employee employee will have ownership right or expectation of privacy in BWC recordings;
- (n) If an employee fails to activate BWC pursuant to the policy, or interrupts or terminates recording contrary to policy, the employee will document in their written report why BWC was not activated or was interrupted or terminated contrary to policy.

423.3 USAGE RESTRICTIONS

We, as an organization, recognize and respect an individual's right to privacy, and acknowledge there are times when it would not be in the best interest of the public, or the department, to record sensitive information. As such, officers shall follow the items listed below with respect to the use of BWC systems.

- (a) Officers will only use the BWC system, issued and approved by the Department for official police duties. Personnel shall not remove, dismantle, or tamper with any hardware and/or software component of the BWC.
 - 1. In locations where an individual has a reasonable expectation of privacy, such as a private residence, the officer shall honor the request to not record unless;
 - (a) The recording is being made pursuant to a valid investigation, from a place where the officer is lawfully allowed to be present or,
 - (b) Is made the lawful arrest of an individual in the residence or,
 - (c) Is being made in conjunction with a lawful search of the residence.

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- (b) Officers shall not use agency owned BWC devices to record any type of personal activities or use the camera for any reason outside of their scope of employment with the department.
- (c) Officers shall not intentionally record areas where there is a reasonable expectation of privacy such as locker rooms, restrooms, etc., unless the recording is being made pursuant to a valid investigation.
- (d) Officers shall not surreptitiously record other members of this department without authorization from the Chief of Police, or his/her designee, or court order.
- (e) Officers shall not knowingly record any Victim Witness staff, Prosecutors Office Staff, Judges, undercover officers, or confidential informants (while engaging in their official capacities).
- (f) Due to safety and security concerns, other information that officers should consider not capturing on video as it relates to victims, witnesses, close family members of victims/witnesses, officers and prosecutors include:
 - 1. Vital information and personal identifying information such as DOB, SSN, etc.;
 - 2. Officers utilizing BWC's should not record patients during medical or psychological evaluations by a doctor or similar professional during treatment, unless required for evidentiary criminal investigation purposes (i.e., a Blood draw for investigation purpose, excited utterances, or dying declarations). When recording in hospitals, and other medical facilities, officers shall be careful to avoid recording persons other than suspect(s) whenever possible.
 - 3. Additional contact information such as home address, place of employment, school, place of worship, etc. unless required for evidentiary criminal investigation purpose.
 - 4. Private information such as personal identification numbers (PINs), passwords, financial account numbers and information relating to financial transaction cards.
- (g) All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

423.4 OFFICERS REVIEW OF RECORDED MEDIA

Officers shall have "review access" to recorded media up-loaded from their assigned BWC. This is to allow an officer to review media as he/she prepares reports, prepares for court, and for self-critique.

- (a) Officers shall not have review access to the recorded media of other officers without prior supervisory approval.
- (b) Supervisors may review media of their respective subordinates on a random basis or with cause.

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- (c) Under no circumstance, will recorded media be used for entertainment purpose or in an attempt to embarrass another officer or private citizen.
- (d) Any uploading or converting digital recording for use on any social media platform is strictly prohibited unless authorized by the Chief of Police.
- (e) Officers may use BWC videos for training purpose as authorized by the Chief of Police or his/her designee. Prior to using such video, the officer shall ensure that the video is not actively being used as evidence in any criminal or civil case. The Chief of Police and city attorney shall view the redacted video to be used for training prior to approval for use. Training videos shall be documented as such, properly redacted of private citizen information, and retained according to the Departments retention schedule.

423.5 RESPONSIBILITIES

- (a) System Administrator - The Chief of Police shall designate the System Administrator(s) who have oversight responsibilities to include, but not limited to, the following:
 - 1. Operation and user administration of the system
 - 2. System Evaluation
 - 3. Training
 - 4. Policy and procedure review and evaluation
 - 5. Coordination with information services regarding system related issues.
 - 6. Ensure files of evidentiary value are secure and retained per this policy.
 - 7. Ensure files are reviewed and released in accordance with federal, state, local statues and Department policy.
- (b) Supervisors informed of a malfunctioning BWC shall ensure the system administrator is made aware of the malfunction.
- (c) If a critical incident is potentially captured on recorded media (i.e., officer-involved shooting, in-custody death, etc.), the supervisor shall ensure that the system is not tampered with until authorized Critical Incident Task Force (CITF) personnel can review the media. Buhl Police Department personnel, in conjunction with CITF representative, will ensure the media is uploaded according to department policy. Once the scene is rendered safe, the supervisor should, in order to ensure digital media is secured, remove the BWC system from the officer and secure it for CITF in a locked storage area (to include trunk of the patrol car). As a general rule, BWC's will not be turned over to CITF as evidence. If the CITF determines a BWC contains biological or physical evidence, which can only be removed by collecting the BWC, they will coordinate with Department personnel for the collection of the BWC. Refer to CITF protocol.
- (d) Recordings may be reviewed by the Chief of Police and supervisors to monitor officer performance, identify training issues, provide critiques of officers, detect early intervention inquiries, or for investigative/complaint purpose.

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423.6 STORAGE AND RELEASE OF RECORDED MEDIA TO PUBLIC/MEDIA

The recorded media and all recorded images that are captured during the scope of an officer's duties are the property of the Buhl Police Department.

- (a) No member of the Department shall release a copy of BWC files to any member of the public, outside the Public Record Request Procedure, as put in place by the Department and City. Any release of BWC files shall be made in accordance with Idaho Public Records Law (I.C.74-102).

423.7 USE OF PERSONAL OWNED DEVICES TO RECORD VIDEO OR AUDIO

Officers shall not, without express approval from the Chief of Police, use their personally owned recording devices (such as a camera phone or secondary video camera) in place of the BWC or as backup to the BWC system.

- (a) Officers shall not use any personally owned device to record media from their BWC, another officer's BWC media from storage software, or any other device, which allows the officer to view the BWC system files

423.8 AUDIO RECORDERS

Officers not issued BWC's, shall use department issued Android or IPHones' in conjunction with the AXON Capture application, to document field investigations and enforcement contacts, unless they are working in a uniformed capacity.

423.9 RETENTION OF DIGITAL MEDIA

Digital Media files created by the BWC system shall be retained according to the retention rules of the State of Idaho and the City of Buhl.

- (a) All BWC files with an evidentiary value attached to a major criminal investigation with no statute of limitations, shall be retained for 100 years at the conclusion of the case. The crimes within this category, as outlined in Idaho Code § 19-401, include;
 - 1. Murder;
 - 2. Voluntary manslaughter;
 - 3. Rape pursuant to section 18-6101(3) through (10), Idaho Code;
 - 4. Sexual abuse of a child or lewd conduct with a child as set forth in sections 18-1506 and 18-1508, Idaho Code; or
 - 5. An act of terrorism as set forth in sections 18-8102, 18-8103, 18-3322, 18-3323 and 18-3324, Idaho Code.
- (b) All BWC files with an evidentiary value attached to felony or misdemeanor cases will be retained for five years.
- (c) All BWC files with an evidentiary value attached to any infraction, or any non-enforcement action, shall be retained for two years.
- (d) An officer who makes a recording in error (such as in the locker room or restroom) shall tag the file as an error, and notify the System Administrator via email. The officer

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shall include his/her supervisor as a recipient of the email to request the video be deleted no sooner than 14 days after tagging.

423.10 DEFINITIONS

- (a) **BWC** - A Body-Worn Camera is a wearable audio and video recording device worn in a forward-facing position on the outer garment worn by the employee. Body Worn Camera may also be mounted for use in fixed environments, such as attached to police motorcycles;
- (b) **BWC recording** - Is the digital media file or data, created when the BWC is activated;
- (c) **Evidentiary data** - Refers to the data of an incident or encounter that could prove useful for an investigative purpose, including, but not limited to, a crime, an arrest or citation, a search, use of force incident, citizen complaint, or a confrontational encounter with a member of the public;
- (d) **Non-evidentiary data** - Refers to data that does not necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the employee might perform while on duty;
- (e) **Digital Evidence Management System (DEM)** - Is a cloud-based storage system for data. Our DEM is evidence.com;
- (f) **Metadata** - Is a set of data that describes and gives information about other data.

423.11 VIOLATION OF POLICY - DISCIPLINE

Intentional violation of this policy may result in discipline up to and including termination.

Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The Buhl Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

424.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Bicycle Patrol Unit

425.1 PURPOSE AND SCOPE

The Buhl Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

425.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Supervisor.

425.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Sergeant. A copy will be forwarded to the Chief. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

Final selection will be based upon recommendations by the Uniform Patrol Sergeant and Chief.

425.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Uniform Patrol Sergeant or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Patrol Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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Bicycle Patrol Unit

425.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

425.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the patrol bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

425.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the cross-bar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Idaho Code 49-723 and Idaho Code 49-956 (1) and/or (4).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

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Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides or rear of the bicycle (Idaho Code 49-910-A).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a Department-approved repair shop/technician. At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

425.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with Idaho Title 49 under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. Officers are exempt from the rules of the road under the following conditions (Idaho Code 49-623).

- (a) In response to an emergency call.
- (b) In the immediate pursuit of an actual or suspected violator of the law.

Foot Pursuit

426.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

426.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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426.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with SIRCOMM (Southern Idaho Regional Communications Center) or with backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The an officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

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- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

426.4 RESPONSIBILITIES IN FOOT PURSUITS

426.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify SIRCOMM (Southern Idaho Regional Communications Center) of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

426.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

426.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and

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coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

426.4.4 SIRCOMM (SOUTHERN IDAHO REGIONAL COMMUNICATIONS CENTER) RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the SIRCOMM (Southern Idaho Regional Communications Center) is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

426.5 REPORTING REQUIREMENTS

The initiating officer shall complete the appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

426.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

Community Policing and Crime Prevention

427.1 PURPOSE AND SCOPE

The purpose of this order is to set forth procedures for the delivery of crime prevention.

Crime prevention is the anticipation, recognition, and appraisal of crime risks and the initiation of action to remove or reduce such risks. Community Policing is a philosophy the department holds that promotes crime prevention, problem solving and community partnership. All department employees are encouraged to develop and implement procedures and programs that reduce the opportunity for or lessen the loss arising from crime.

427.2 PROCEDURES

427.2.1 POLICE OFFICERS, GENERALLY

- (a) All officers will provide knowledgeable, instructive advice to the public concerning steps that can be taken to reduce the opportunity for or lessen the loss from crime.
- (b) Officers, upon request if time permits, will conduct surveys of homes and businesses and advise the owner/occupant of security strengths and weaknesses.
- (c) All officers will be aware of and give assistance to crime prevention activities taking place within their patrol area, i.e.; citizens on patrol, neighborhood watch, business watch and safe home.
- (d) All officers will make referrals to the appropriate resource, either within or outside the department, in response to crime prevention requests that exceed their knowledge or capability to accommodate.
- (e) Officers are not to advise persons that the use of crime prevention suggestions or programs will prevent that person or any other person from becoming the victim of a crime. They are only to advise that it will lessen the probability of victimization.
- (f) All officers should dedicate a minimum of thirty (30) minutes per shift to actively soliciting community policing contacts within their assigned report districts as well as other areas of the city. These contacts should consist of the activities listed in sections a through e above, as well as other self initiated contacts and activity consisting of, but not limited to, the following:
 - 1. Night shift officers should complete a minimum of thirty (30) minutes of foot patrol in the business district of the city, school grounds and other high risk areas.
 - 2. Foot or bicycle patrol within the officers report district.
 - 3. Casual contacts with citizens while on patrol.
 - 4. Self-initiated contacts with juveniles while on patrol.
 - 5. Dining at the schools during student lunch hours.

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- 6. Participating in educational opportunities in the form of lectures and presentations to the citizens of the City of Buhl and students at the schools.
- (g) Crime prevention and community policing activities undertaken by police officers are to be reported on their daily activity log.

427.2.2 CRIME PREVENTION

- (a) The Chief of Police, or his designee, is responsible for developing, implementing, and coordinating the department's crime prevention programs. Employees in the department will be aware of and involved in crime prevention procedures and activities.
- (b) The Chief may request and study trends of crimes that are generally considered preventable and will strive to develop procedures and programs to reduce the opportunity or lessen the loss from crimes.
- (c) The Chief may consult with other department members in gathering information concerning trends in crime and public and police response to them.
- (d) Department personnel should develop an expertise in all phases of crime prevention, including, but not limited to, the following:
 - 1. Security hardware
 - 2. Alarm/warning systems
 - 3. Lighting
 - 4. Basic residential and business construction
 - 5. Media relations
 - 6. Public speaking
 - 7. Use of volunteers
- (e) The Chief should establish a working relationship with architects, developers, contractors and others in the building trade to identify and correct practices used in the planning, design, and construction of buildings and the space surrounding it which would create the opportunity for crime.
- (f) The Chief should develop a working relationship with the building inspector and planning and zoning to review plans for new construction or development, in order to identify and correct components of those plans which may create unwanted crime opportunity.
- (g) The Chief should establish a working relationship with the media to promote and advertise crime prevention procedures and programs.
- (h) The Chief should establish a working relationship with professional, civic and community groups to develop, promote, and implement crime prevention programs.

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- (i) The Chief should establish a working relationship with other local, state government and non-government crime prevention groups to exchange information.
- (j) The Chief should coordinate with fire department personnel to insure that crime prevention procedure and programs do not compromise fire safety, and to insure that fire safety programs do not compromise crime prevention.

427.2.3 FORMAL PROGRAMS

Department personnel are encouraged to develop, stimulate the growth of and participate in the following:

- (a) Citizens On Patrol / Neighborhood Watch; both of which are formal organizations of residents enabling them to deter crime in their community by relying on their awareness of and concern for their fellow neighbors in detecting and discouraging suspicious and criminal activity.
 1. Requests to establish Neighborhood Watch groups will be forwarded to the Chief of Police.
 2. Homes wishing to participate in Neighborhood Watch should also be encouraged to participate in the Security Survey and Operation Identification program.
 3. The department shall maintain a list of all Citizens on Patrol members and Neighborhood Watch groups; with names, addresses, and telephone numbers of group leaders.
 4. The department will provide crime statistics to the groups, detailing the crimes that have been reported in their specific areas.
- (b) Security Survey: A security survey is an evaluation of the security strengths and weaknesses of a home or business, and presenting that evaluation to the owner or occupant for recommended corrections.
 1. Upon request and time permitting, patrol officers will conduct brief surveys of homes and businesses and make recommendations.
 2. Requests for in-depth surveys will be forwarded to the Chief of Police. Outside crime prevention agencies may be asked to assist.
 3. Security surveys performed by officers are considered confidential information. Surveys are not information available through the Freedom of Information Act.
 4. Officers making recommendations to citizens during security surveys should not recommend any particular brand name product.

427.2.4 OPERATION IDENTIFICATION

Operation Identification is the retention of serial numbers, or other identifying marks that property owners can use to assist in the identification and recovery of stolen property. When property has no

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serial number, the owner is encouraged to permanently engrave the property. An easily recognized identification mark, such as a driver's license or Social Security number is recommended.

- (a) The department shall establish a procedure for the loan of engravers, for persons wishing to identify their property.

427.2.5 SITE PLAN REVIEW

Site plan review is the review of site plans for new commercial or residential development, or redevelopment, to identify components of the plan. The police department strives to make reasonable recommendations to correct crime-related deficiencies in the plans that would present crime opportunities.

- (a) The Chief will contact planning & zoning and request that he be allowed to review development or redevelopment plans for security-related strengths and weaknesses.
- (b) Department personnel may visit construction sites, informally inspect projects for security strengths and weaknesses, and then make informal suggestions for improvements to the appropriate project officials.

427.2.6 OTHER PROGRAMS

There are many crime prevention programs aimed at specific types of crimes. Many of these programs can be incorporated into educational programs, presented to the public. Included are:

- (a) Auto theft prevention
- (b) Shoplifting prevention
- (c) Burglary prevention
- (d) Child safety
- (e) Fraud
- (f) Senior citizen crime prevention (TRIAD/SALT)
- (g) Bicycle theft
- (h) Police Activities League (PAL)
- (i) Problem solving (SARA)
- (j) Robbery prevention

The department will participate in crime prevention programs that it is physically capable of undertaking and delivering.

427.3 REPORTING

- (a) **Record keeping:** The department will maintain up-to-date information on the following crime prevention activities for reporting and evaluation purposes
 1. Neighborhood Watch

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- (a) Number of Neighborhood Watch groups
 - (b) Date-specific group started
 - (c) Number of homes, businesses and people participating
 - (d) Number and types of reports made to police by Neighborhood Watch participants
 - (e) Number and types of arrests resulting from reports by Neighborhood Watch participants.
2. Operation Identification
- (a) Number of times engraver is loaned out.
 - (b) Number of victim property identifications and returns made through number tracing.
 - (c) Number of arrests made through number tracing.
3. Security surveys
- (a) Number of security surveys conducted by department or volunteer personnel.
 - (b) Number of follow-up visits to site where security surveys were previously conducted.
 - (c) Rate of compliance to recommendations found during follow-up visit.
4. Educational programs
- (a) Number and type of program.
 - (b) Number of attendees.
5. Other programs
- (a) Number and type presented.
 - (b) Number of participants or attendees.

427.4 COMMUNITY POLICING BASED PROGRAMS

The department, when feasible, will operate the following programs, in order to promote a Community Oriented Policing philosophy within the community and department.

- (a) Citizens On Patrol
- (b) Officer Foot Patrols
- (c) Bicycle Patrol
- (d) Reporting Districts, with assigned areas of responsibility

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- (e) Expanded case follow-up
- (f) Educational crime prevention seminars
- (g) Crime prevention media releases
- (h) Street Lights
- (i) Police Motor
- (j) School Patrol
- (k) City clean-up enforcement

Homeless Persons

428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Buhl Police Department recognizes that members of the homeless community are often in need of special protection and services. The Buhl Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following when serving the homeless community.

428.1.1 POLICY

It is the policy of the Buhl Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

428.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

428.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

428.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

428.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor (see the Civil Commitments Policy).

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428.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Civil Disturbances

429.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the police department's response to and handling of civil disturbances.

Civil disturbances can take various forms and vary in the size and amount of danger to the public. Civil disturbances include riots, disorders, and violence arising from dissident gatherings, rock concerts, political conventions, and labor disputes. Of primary importance in any civil disturbance is defusing the situation and restoring order. Officers must be able to respond to any civil disturbance, isolate it from the remainder of the community, protect life and property, and maintain control.

429.2 PROCEDURES

429.2.1 AUTHORITY FOR PLAN IMPLEMENTATION

- (a) All supervisors are authorized to implement this plan. Appropriate notification of implementation shall be made to the Chief of Police.
 - 1. The Chief of Police shall immediately notify the Mayor of the situation and shall keep him/her advised of any changes.
- (b) Supervisors shall be responsible for implementing the plan until relieved by the Chief of Police.

429.2.2 DEPARTMENTAL RESOURCES

The supervisor implementing this plan shall determine what, if any, additional resources are required.

- (a) Additional personnel may be called in to assist.
- (b) For additional equipment needs beyond that readily available, the supervisor shall contact the Chief of Police immediately.
 - 1. Each officer should have readily available a vest, riot helmet, pepper spray and a baton.

429.2.3 DUTIES OF FIRST OFFICER(S) ON THE SCENE

The duties of the first officer(s) arriving at the scene of a disturbance include the following steps:

- (a) Observe the situation from a safe distance and determine if crowd is peaceful or potentially violent.
- (b) Notify dispatch concerning the seriousness of the situation and request a supervisor and additional back up to respond.
- (c) Try to identify, by observation, the leader of the group.

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429.2.4 DUTIES OF THE ON-SCENE SUPERVISOR

Upon arrival at the scene, the supervisor shall assume command until relieved by higher authority. His or her duties and responsibilities shall include:

- (a) Assessing the situation for seriousness and danger (If the situation is minor, it may be handled with existing resources).
- (b) Maintaining communications with dispatch providing such information as:
 - 1. Estimated size of the crowd and area involved;
 - 2. Gauging the mood of the crowd;
 - 3. Weapons, if any, involved;
 - 4. Any destroyed property involved.
- (c) Establishing a command post from his vehicle, using the police radio and/or assigned cell phone for communication.
- (d) Deciding on number of personnel/equipment needed. If a call back is begun, the supervisor shall determine the assembly point and equipment to be worn.
- (e) Instructing dispatch to make proper notifications, to include:
 - 1. Fire department- to stand by in area;
 - 2. Medical rescue squad- request stand by in area;
 - 3. Hospital emergency rooms;
 - 4. Neighboring jurisdictions;
 - 5. State Police Crowd Intervention Team (CIT)
 - 6. Twin Falls County/City SWAT/CRT team; prisoner transport bus;
 - 7. Ethnic/civic group leaders;
 - 8. News media- to provide public information;
 - 9. Prosecuting attorney- to provide legal advice on arrests;
 - 10. Magistrates for confinement;
 - 11. National Guard, if deemed necessary by Governor.
- (f) Instructing officers about traffic control in disturbance area.

429.3 OPERATIONS

Once appropriate and adequate personnel are in place, a supervisor shall:

- (a) Approach the crowd and inform the leader(s) that the assembly is unlawful and they have to disperse. If the crowd is violent, this may be accomplished by using the P.A. system in police vehicles or the bullhorn.

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- (b) A time limit for dispersal should be established and no extensions allowed.
- (c) If the crowd fails to disperse and continues its activity, the supervisor shall, after consultation with the chief of police:
 - 1. Authorize the use of chemical agents/force;
 - 2. Order the formation of police lines and move into the crowd for control.

429.4 TRANSPORTATION

All department vehicles shall be available for transportation of officers and equipment to the scene, and for prisoner transport from the scene. If additional transportation is required, the director of public works or the fire chief may be contacted for additional vehicles.

429.5 PUBLIC FACILITY SECURITY

Attempts shall be made to provide security to all public facilities threatened by any crowd to include:

- (a) City water supply;
- (b) Fire, police buildings and access to them;
- (c) City hall;
- (d) Schools.

429.6 PUBLIC INFORMATION/RUMOR CONTROL

A supervisor shall respond to appropriate news media requests in order to keep the public informed and to dispel rumors.

429.7 DE-ESCALATION PROCEDURES

Once the disturbance has been brought under control and the situation has returned to normal, the supervisor shall begin de-escalation procedures to include the following steps:

- (a) Disengage officers as appropriate.
 - 1. On duty officers shall return to normal patrol operation.
 - 2. Called-back officers shall return equipment to the police station.
- (b) Assign officers to remain in area of disturbance to protect from any recurrence of trouble.
- (c) Discontinue the command post.
- (d) Ensure that departmental equipment is collected.

429.8 POST-OCCURRENCE DUTIES/AFTER-ACTION REPORTS

The supervisor, upon returning to the police station, shall perform the following duties:

- (a) Prepare a detailed report, providing all information about the incident to the chief of police, along with any appropriate recommendations.

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- (b) Provide factual information to the news media.
- (c) Arrange for evidence collection at the scene.

429.9 MASS ARREST PROCEDURES

During the course of a civil disturbance, mass arrests may become a reality and must be handled quickly and efficiently providing for; transportation to jail, release on summons, arrestee rights, etc. Arrested persons shall be removed from the point of disturbance by the arresting officer and brought to where initial booking shall take place. The supervisor shall establish an arrest team to handle prisoners. Arrest team duties shall include the following steps:

- (a) Photograph the arrested person with the arresting officer using a Polaroid camera. Arrest/identification information shall be recorded on the back of the photo.
- (b) Prisoners shall be transported to the county jail where formal charging/booking shall take place.
- (c) Arrested persons shall be allowed the opportunity to contact legal counsel at the conclusion of booking.
- (d) Arrested persons who are injured shall be given medical treatment before any booking begins.
- (e) The prosecuting attorney's office will provide legal advice to the supervisor as appropriate.
- (f) Juveniles involved in arrests shall be treated according to procedures set forth in policy 323 (Juvenile Procedures) and policy 324 (Temporary Custody of Juveniles).

429.10 USE OF FORCE AND REVIEWS

Officers shall use that amount of force necessary to effect an arrest or control the disturbance. After an incident, the department will conduct incident reviews.

First Amendment Assemblies

430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

430.2 POLICY

The Buhl Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest (see the Public Recording of Law Enforcement Activity Policy).

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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430.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization, unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

430.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to SIRCOMM (Southern Idaho Regional Communications Center), and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

430.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

430.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

430.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

430.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

430.8 ARRESTS

The Buhl Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

430.9 MEDIA RELATIONS

The Chief of Police should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

430.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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430.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, SIRCOMM (Southern Idaho Regional Communications Center) records/tapes
- (g) Media accounts (print and broadcast media)

430.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances

430.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Medical Aid and Response

431.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

431.2 POLICY

It is the policy of the Buhl Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact SIRCOMM (Southern Idaho Regional Communications Center) and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide SIRCOMM (Southern Idaho Regional Communications Center) with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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431.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

431.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

431.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

431.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Uniform Patrol Sergeant should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

431.8 ADMINISTRATION OF EPINEPHRINE

Members may administer epinephrine in accordance with protocol specified by an authorized prescriber or pharmacist who prescribed the medication for use by the member (Idaho Code 54-1704; Idaho Code 54-1735).

431.8.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Chief of Police.

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Any member who administers or provides epinephrine shall contact SIRCOMM (Southern Idaho Regional Communications Center) as soon as possible and request response by EMS (Idaho Code 54-1735).

431.8.2 EPINEPHRINE USE REPORTING

Any member who administers or provides an epinephrine auto-injector should detail its use in an appropriate report.

431.8.3 EPINEPHRINE TRAINING

The Chief of Police should ensure training is provided to members authorized to administer epinephrine.

431.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may provide an opioid antagonist to a person experiencing an opiate-related overdose. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses. Per Idaho Code 54-1733B any person who, in good faith, administers an opioid antagonist to another person who appears to be having an opiate-related overdose, shall not be liable in a civil or administrative action or subject to criminal prosecution for such acts.

431.9.1 DEFINITIONS

"Opioid" means containing or derived from opium, including but not limited to heroin and morphine. Opioid drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, induce sleep, and in overdose, will cause individuals to stop breathing.

"Opioid Antagonist" means a drug that nullifies in whole or in part the administration of an opioid. The opioid antagonist for the purpose of this policy is limited to Intranasal Naloxone.

"Opioid Overdose" means an acute condition including, but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opiate, or another substance with which an opiate was combined, or that a layperson could reasonably believe to be an opiate-related drug overdose that requires medical assistance.

"Acute Opioid Withdrawal" means a withdrawal state that may occur as a result of administration of an opioid antagonist. This state may be associated with vomiting, agitation, and combativeness.

431.9.2 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training and follow manufacture's recommendations. Members should perform monthly inspections of the medication and associated administration equipment to ensure they are serviceable and not expired. Any

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expired medication or unserviceable administration equipment should be removed from service and given to the Lieutenant.

Any member that provides an opioid antagonist shall contact SIRCOMM Dispatch as soon as possible and request response by EMS (Idaho Code 54-1733B).

431.9.3 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication shall document its use in an Officers Report. This report should contain the nature of the incident, the care the patient received, and the fact that naloxone was utilized.

This report should be separate from any criminal report related to the incident. After approval, the report shall be forwarded to the Chief of Police and the Medical Director by records personnel.

431.9.4 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication on an annual basis.

Training should be coordinated with the Medical Director and the Idaho Department of Health and Welfare (Idaho Code 54-1733B).

431.10 FIRST AID TRAINING

Subject to available resources, the Chief of Police should ensure officers receive periodic first aid training appropriate for their position.

431.11 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

Disasters

432.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for responding to a natural or man-made disaster.

The following plan for handling disasters is a rough outline of duties and responsibilities that generally apply.

432.2 PROCEDURES

432.2.1 DEFINITIONS

- (a) **Natural disaster:** Any hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, drought, blizzard, ice storm, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life.
- (b) **Man-made disaster:** Any industrial or transportation accident, explosion, conflagration, major power failure, resource shortage, terrorism act or other condition such as sabotage, oil spills, and other injurious environmental contaminations' which threaten or cause damage to property, human suffering, hardship or loss of life.

432.2.2 AUTHORITY FOR PLACING PLAN INTO OPERATION

On-duty supervisors are authorized to place this plan into operation. Appropriate notification of situations requiring plan implementation must be made to the Chief of Police immediately. The Chief shall then notify the Mayor, Fire Chief and Public Works Director of the situation and keep them advised of any changes. The City of Buhl has an Emergency Operations Plan in place that shall be activated, if appropriate.

432.2.3 DEPARTMENTAL RESOURCES

- (a) Supervisors implementing this plan may determine that additional resources are required.
- (b) Additional personnel may be called into service.
- (c) For equipment needs beyond that readily available to the supervisor, he shall immediately contact the chief of police.

432.3 DISASTER OPERATIONS

The exact nature of the disaster, buildings or area affected, location, and potential danger will determine the response. The supervisor shall give consideration to the following:

- (a) All police units at the scene of a disaster shall provide information concerning conditions found, so that the supervisor can evaluate the magnitude of the required response. Request dispatch to advise of any other emergency service and utilities available.

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- (b) Depending on the nature of the disaster, a command post may be established near the disaster and a Multi-agency command post established at the police station or other location, as needed, with a police representative coordinating. The field command post may be the police vehicle of the ranking officer present at the scene.
- (c) The supervisor must communicate necessary information to emergency services, utilities, city departments, and media agencies; or designated PIO. Under some circumstances, it may also be necessary to loan police radios to emergency service/utility crews with whom essential contact must be maintained. If this becomes necessary, dispatch must be notified so that units can be switched to a TAC channel in a timely manner.
- (d) In situations involving casualties, provision of casualty information shall be the responsibility of the coroner, and public inquiries shall be so directed.
- (e) The Chief of Police, or his designee, shall notify local media and establish a media briefing point. Regularly, the appointed public information officer shall provide information directly to media representatives present. Media reps will be advised that no telephone inquiries will be responded back to, in order to reduce the burden on police personnel and telephone lines.
- (f) The Chief shall advise, if needed, other area agencies of the disaster and may, subsequently, request additional law enforcement support.
- (g) The involvement of one or more buildings, public or private, may generate a requirement for security to prevent looting, theft, or trespassing.
- (h) It may be necessary to block roads and reroute traffic away from the affected area. Emergency service units shall be so advised, and announcements made over local radio stations to the general public.
- (i) Necessary public works and utilities companies shall be notified of road clearance needs, broken mains, and downed lines.
- (j) The Chief of Police, or his designee, shall ensure an orderly de-escalation of controls and personnel as the disaster is reduced.
- (k) Any special transportation needs may be requested from appropriate departments or other emergency services.
- (l) All supervisors involved shall prepare an after-action report concerning all police activities during the disaster, as well as recommendations concerning the handling of future problems. The chief of police shall provide a complete after-action report to the mayor. After-action reports shall include any budgetary impact, commitments or obligations.

Suspicious Activity Reporting

433.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

433.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin or religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

433.2 POLICY

The Buhl Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism, and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

433.3 RESPONSIBILITIES

The Investigation Sergeant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Sergeant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

433.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

433.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Detective Unit supervisor
- Crime Analysis Unit
- Other authorized designees

Chapter 5 - Traffic Operations

Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.1.1 DEFINITIONS

High-risk traffic stop - A traffic stop that is conducted when the officer is or becomes aware that any occupant poses a serious safety risk (e.g., the vehicle may contain an occupant who is known to be armed and dangerous).

Unknown-risk traffic stop - A traffic stop that is conducted when the officer is not previously aware of a safety threat posed by the vehicle's occupants (e.g., the vehicle is stopped for a traffic violation only).

500.2 DEPLOYMENT

Enforcement efforts may include techniques such as geographic/temporal assignment of [department/office] members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems, or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for [department/office] members. State and local data on traffic collisions is a valuable resource. Factors for analysis include but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

[Department/Office] members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic collisions, and also will consider the hours and locations where traffic collisions tend to occur. Members will take directed enforcement action on request and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic collisions frequently occur.

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500.2.1 TRAFFIC STOPS - COMMUNICATION OF VEHICLE DESCRIPTION

All officers conducting a traffic stop on any vehicle shall as soon as possible, before approaching the vehicle being stopped, communicate to SIRCOMM Dispatch that a traffic stop is being made and provide dispatch with the officers badge number, the vehicle license plate number, and location of the stop. If there are no visible license plate(s) on the vehicle, a description of the vehicle including make, model, color, distinguishing features or damage, and approximate year of the vehicle shall be communicated to dispatch and if, after approaching the vehicle, any other identifying information regarding the vehicle can be obtained it shall be communicated to dispatch as soon as possible.

500.3 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and should take into account the degree and severity of the violation committed. This [department/office] does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.3.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (I.M.C.R. Rule 5):

- (a) An explanation of the violation or charge.
- (b) Certification by the officer that there are reasonable grounds to believe that the cited person committed the described offense.
- (c) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (d) A notice of whether the motorist can enter a plea and pay the fine by mail or online.

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with but are not limited to:

- (a) Vehicular manslaughter (Idaho Code 18-4006).
- (b) Felony driving under the influence (DUI) of alcohol, drugs, or any other intoxicating substance (Idaho Code 18-8004).
- (c) Felony hit-and-run (Idaho Code 18-8007).
- (d) Grand theft of a motor vehicle (Idaho Code 18-2407).

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- (e) Any other misdemeanor committed in the presence of the officer at their discretion, such as reckless driving and fleeing or attempting to elude a peace officer (Idaho Code 49-1401; Idaho Code 49-1404).

500.4 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.5 HIGH-VISIBILITY VESTS

The [Department/Office] has provided American National Standards Institute (ANSI) Class II (or higher) high-visibility vests to increase the visibility of [department/office] members who may be exposed to hazards presented by passing traffic or maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601).

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the [department/office] member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery, and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic collision investigations, lane closures, and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.5.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, in the side box of each police motorcycle, and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Chief of Police should be promptly notified whenever the supply of vests needs replenishing.

500.6 POLICY

It is the policy of the Buhl Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the [Department/Office] will be driven by factors such as the location and/or number of traffic collisions, citizen complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

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500.7 TRAFFIC STOPS

500.7.1 UNKNOWN-RISK TRAFFIC STOPS

While every unknown-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting an unknown-risk traffic stop include:

- (a) The officer should consider existing conditions, including but not limited to road design and conditions, weather, lighting, and current traffic flow, to establish a safe environment for the traffic stop.
- (b) The officer should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the traffic stop. After coming to a stop, the officer should position the patrol vehicle in a way that affords protection to the officer and to the violator's vehicle during the traffic stop.
- (c) Generally, the violator should be directed to pull to the far right side of the roadway to stop. However, the officer should be prepared to deal with other situations.
- (d) Upon initiating the traffic stop, the officer should notify the dispatcher of the traffic stop location and the vehicle's registration state and number. The officer should not approach the violator's vehicle until the dispatcher has acknowledged the message.
- (e) The officer should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat if necessary.
- (f) Upon contacting the violator, the officer should remain courteous and professional and provide the violator with verbal identification and the reason for the traffic stop. The officer should request the motorist's documentation.
- (g) The officer should provide the violator with information on how to respond to the chosen enforcement action, if applicable.
- (h) The officer should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.
- (i) The officer should assist the violator in pulling safely back into traffic.

500.7.2 HIGH-RISK TRAFFIC STOPS

While every high-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a high-risk traffic stop include:

- (a) When planning a high-risk traffic stop, the officer shall notify the dispatcher and describe the nature or reason for the stop. The officer shall provide the dispatcher with the vehicle description, registration state and number, location, number of occupants, and direction of travel. The officer shall request adequate assistance to conduct the stop.

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- (b) An officer should not initiate a high-risk traffic stop alone unless backup officers are not available in an appropriate amount of time or the urgency of the situation demands immediate action.
- (c) After selecting an appropriate stop location and with adequate backup officers in position, the officer should signal the suspect to stop.
- (d) Officers should position their vehicles at a distance behind the suspect vehicle that provides opportunities for cover. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior.
- (e) Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.
- (f) The officer initiating the stop or the officer with the best view of the suspect vehicle should issue verbal commands through the vehicle's public address system, if available. Only one officer should issue verbal commands to the suspect vehicle's occupants.
- (g) The suspect vehicle's operator should be commanded to:
 1. Lower the window.
 2. Remove ignition keys with the vehicle operator's left hand.
 3. Drop the keys on the ground.
 4. Open the door from the outside.
 5. Step out of the vehicle.
 6. Turn completely around.
 7. Face away from the officers.
 8. Walk backward until commanded to stop and lie face down on the ground with hands stretched far to the sides.
- (h) Using contact and cover, officers should handcuff, search, and secure the vehicle's operator. Other occupants should be similarly and separately commanded until all are handcuffed, searched, and secured.
- (i) With appropriate cover, officers should approach and inspect the vehicle for additional occupants and/or threats before declaring the scene secure.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Buhl Police Department prepares traffic collision reports and makes traffic collision reports available to the community under the Idaho Public Records law.

501.2 RESPONSIBILITY

The Records Department will be responsible for distribution of the traffic collision reports pursuant to Idaho Public Records law.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Shift Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Uniform Patrol Sergeant, or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Sergeant.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.4.2 TRAFFIC COLLISIONS WITH POLICE AGENCYTYPE EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Buhl Police Department resulting in a serious injury or fatality, the Shift Supervisor, should notify another outside law enforcement agency for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Shift Sergeant or on-duty Shift Supervisor may request assistance from the Idaho State Police for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person

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involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of the Vehicle Code.
- (c) When a report is requested by any involved driver.

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Shift Supervisor shall notify the Shift Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Shift Sergeant, the Shift Supervisor or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

Vehicle Towing Policy

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this [department/office] to tow a vehicle.

502.2 TOWING SERVICES

The Buhl Police Department has a selection of qualified tow companies that comprise the tow rotation that acts as its official tow services by policy. These firms will be used in the following situation:

- When it is necessary to safeguard the vehicle due to the inability of the owner or operator to take the required action.
- When a vehicle is being held as evidence in connection with an investigation
- When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal from the streets of vehicle obstructing traffic in violation of state or local regulations.

502.2.1 COMPLETION OF FORMS

Police Department members requesting storage of a vehicle shall complete a towed vehicle notice. The notice must contain, at minimum, the following information (Idaho Code 49-1803A):

- Name and addresses of the registered owner and lien holder.
- Complete vehicle description, including license plate number and vehicle identification number.
- Date, time, and reason for tow.
- Case number assigned.
- Whether the value of the vehicle is \$750 or less. The officer's valuation should be independently verified by the Office/Records Manager before any disposition process is initiated under Idaho Code 49-1814 (Disposition of low-valued vehicles).
- The daily storage rate.
- Name, address, and telephone number of towing company.
- Signature of tow truck operator taking receipt of the vehicle and its contents.

A copy of the notice is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practicable after the vehicle is stored.

If a copy of the towed vehicle notice is not provided to the legal and registered owner at the time of storage, it shall be the responsibility of the Records Section to determine the legal and registered owners of the vehicle and to mail a copy of the notice to all such individuals within 72 hours, excluding weekends and holidays. A copy of the notice shall also be mailed to any lienholder within 72 hours, excluding weekends and holidays (Idaho Code 49-1803A(3)).

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502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in SIRCOMM (Southern Idaho Regional Communications Center).

If the owner is incapacitated, or for any reason it is necessary for this department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Buhl.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of this department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.3 IMPOUND FOLLOWING DRIVER ARREST

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored, for example, the vehicle would present a traffic hazard if not removed or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene. Further:

1. When arresting a driver/owner of a motor vehicle, possession of the vehicle may, at the officer's discretion, be given to a competent passenger who; possesses a valid driver's license and, has consent from the vehicle's owner to take possession of the vehicle.
2. An officer will not call for a driver to come to the vehicle location.
3. If the vehicle cannot be driven from the scene, officers will ensure the safety of passengers stranded by the actions of the person(s) arrested.
4. When no passenger is available or able to remove the vehicle and it is impounded for safekeeping; when ever possible, the officer should inventory the contents of the towed vehicle, the officer will give a copy of the inventory form to the tow operator

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and a copy to the driver and, the tow company is responsible to notify the appropriate people of the tow and storage and process the paperwork.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Police Department will not be responsible for theft or damages.

502.4 VEHICLE INVENTORY

The contents of all vehicles towed at the request of [department/office] members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments, including but not limited to locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables, or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened

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and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Evidence Room Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of [department/office] members, and protecting the [Department/Office] against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.4.1 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

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

502.5 IMPOUND OF ABANDON VEHICLES

Abandoned Vehicles are impounded pursuant to Idaho Code 49-1804 or Buhl City Code.

1. Officers must determine if the vehicle is a hazard and must be towed:
 - a. Is a hazard and must be towed immediately
 - b. Must be towed before dark or,
 - c. Must be towed within 48 hours.
2. When the vehicle is to be towed at the expiration of 48 hours:
 - a. Complete the Tow Tag sticker and,
 - b. Attach it to the vehicle with the date and time of tag clearly marked on the sticker.
3. if an abandoned vehicle is locked:
 - a. Note this information on the Inventory form
 - b. Complete the Inventory form
 - c. Note on the inventory any items visible from outside the vehicle; and,

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d. If the vehicle is not locked, the vehicle shall be inventoried pursuant to policy.

502.6 IMPOUND OF COMMERCIAL VEHICLES

When arresting a driver/owner of a commercial vehicle, contact the motor carrier for assistance regarding towing or parking the commercial vehicle.

502.7 SECURITY OF VEHICLE AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash jewelry, cell phone, prescriptions) which are not considered evidence or contraband. Prior to the release of these items, they shall be inspected pursuant to the vehicle inventory policy.

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

502.8 VEHICLE RETRIEVAL

When an impounded vehicle is able to be released, property and evidence personnel will attempt to contact the registered owner or other entity authorized to retrieve the vehicle in question by telephone.

If the registered owner or authorized entity cannot be contacted by telephone or fails to retrieve the vehicle, property and evidence personnel will send a certified letter to the registered owner or authorized entity indicating that the vehicle must be retrieved within seven (7) calendar days of the receipt of the certified letter.

Failure to retrieve the vehicle by the required date will result in a private towing contractor/company being called to remove the vehicle to a private impound lot. Towing and impound fees shall be the responsibility of the registered owner or other entity authorized to retrieve the vehicle in question.

502.9 STOLEN VEHICLE RECOVERY

Procedure:

In the event that a Buhl Police Department employee recovers a stolen vehicle, Dispatch shall make every effort to notify the lawful owner. If Dispatch cannot make notification to the lawful owner, the officer shall document this information on the impound sheet.

502.10 POLICY

The Buhl Police Department will tow vehicles when appropriate and in accordance with the law.

502.11 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. [Department/Office] members may assist by communicating requests through SIRCOMM (Southern Idaho Regional Communications Center) to expedite the process.

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If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the [department/office] member (Idaho Code 49-662).

Vehicles that are not the property of the City should not be driven by [department/office] members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

502.12 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard (Idaho Code 49-1803A).

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the [Department/Office] will not be responsible for theft or damages.

502.13 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Upon discovering a vehicle reported stolen, officers should arrange for the vehicle to be towed and stored. Officers shall complete a report containing, at minimum (Idaho Code 49-1803):

- The name and identification number of the officer requesting the tow.
- The location of the storage facility.
- Make, model, year, vehicle identification number (VIN), license number, and state of registration for the vehicle.
- Statutory authority for storage.

502.14 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

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502.14.1 VEHICLE STORAGE REPORT

[Department/Office] members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

502.14.2 NOTICE OF TOW AFTER COLLISION OR ARREST

Officers requesting storage of a vehicle involved in a traffic collision or after arrest shall complete a towed vehicle notice. The notice must contain, at minimum, the following information (Idaho Code 49-1803A):

- Name and addresses of the registered owner and lienholder.
- Vehicle description, including license plate number and VIN.
- Date, time, and statutory authority for tow.
- Officer name or badge number and case number assigned.
- Whether the value of the vehicle is \$750 or less. The officer's valuation should be independently verified by the Office/Records Manager before any disposition process is initiated under Idaho Code 49-1814 (Disposition of low-valued vehicles).
- The daily storage rate.
- Name, address, and telephone number of towing company.
- Signature of tow truck operator taking receipt of the vehicle and its contents.

A copy of the notice is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practicable after the vehicle is stored.

If a copy of the towed vehicle notice is not provided to the legal and registered owner at the time of storage, it shall be the responsibility of the Records Section to determine the legal and registered owners of the vehicle and to mail a copy of the notice to all such individuals within 72 hours, excluding weekends and holidays. A copy of the notice shall also be mailed to any lienholder within 72 hours, excluding weekends and holidays (Idaho Code 49-1803A(3)).

502.14.3 NOTICE OF TOW OF STOLEN VEHICLE

Officers requesting storage of a stolen vehicle shall complete a towed vehicle notice. The notice must contain, at minimum, the following information (Idaho Code 49-1803):

- Vehicle description, including year, make, model, license number and state, and VIN.
- Date, time, and statutory authority for tow.
- Officer name or badge number.
- Location of the vehicle.

A copy of the notice is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practicable after the vehicle is stored.

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Within forty-eight (48) hours of storage, excluding weekends and holidays, the Records Section shall send the notice by certified mail to the registered and legal owners of the vehicle, if known (Idaho Code 49-1803).

502.15 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the [department/office] member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the [Department/Office] in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or their agent to request a hearing to contest the tow.

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Idaho Code 49-1805.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Buhl Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (Idaho Code 49-1805).

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of a stored or impounded vehicle. Any relevant evidence may be submitted and reviewed by the hearing officer to determine if the vehicle in question was lawfully stored or impounded, in accordance with Buhl Police Department policies and procedures. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

A notice of the storage shall be sent by certified mail to the registered and legal owners within forty-eight (48) hours, excluding the weekends and holidays, and shall include the following information:

- (a) The name, address, and telephone number of the agency providing the notice.
- (b) The location of the place of storage and description of the vehicle which shall include, if available, the name or make, identification number, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) In order to receive a post-storage hearing, the owners, or their agents, must request the hearing in writing within ten (10) days of the date of the notice. Any such hearing shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as the hearing officer is not the same person.

The person requesting the hearing may record the hearing at his/her own expense. The vehicle storage/impound hearing officer shall consider all information provided and determine the validity of the storage or impound of the vehicle in question and then render a decision.

A decision that the vehicle was not stored or impounded in a lawful manner or within the policy of this department will require that the vehicle in storage be released immediately. Towing and storage fees will be paid at this department's expense (Idaho Code 49-1805(d)(5)).

If a decision is made that the vehicle was not stored or impounded in a lawful manner or in compliance with the policy of this department, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Sergeant. The

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hearing officer will recommend to the appropriate Sergeant that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by this department.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Buhl Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Idaho's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Shift Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Idaho or another jurisdiction.

504.4 FIELD TESTS

The Shift Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent under Idaho law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Idaho Code 18-8002):

- (a) The arresting officer has reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle, including a commercial motor vehicle, when any of the following exist:

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1. While under the influence of alcohol, drugs and/or any other intoxicating substances.
 2. While under the influence of any combination of alcohol, drugs and/or any other intoxicating substances.
 3. With a prohibited alcohol concentration (Idaho Code 18-8004).
- (b) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a vehicle which resulted in great bodily harm, permanent disability or disfigurement to any other person (Idaho Code 18-8006).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

The Shift Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

If the person submits to a breath test and the officer has reasonable cause to believe that the person was driving under the influence of drugs or the combined influence of alcohol and drugs, the officer should request a second test of the person's blood or urine. If a second test is requested, the officer shall include the facts supporting the belief in the arrest report (Idaho Code 18-8002(10)).

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Shift Sergeant.

504.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Idaho Code 18-8003). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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504.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.5.4 ADDITIONAL TESTING

After submitting to testing as requested by the officer when practicable, a person may request, at his/her own expense, that additional tests for alcohol concentration or for the presence of drugs or other intoxicating substances be administered by a person of his/her own choosing (Idaho Code 18-8002A(6)).

504.5.5 STATUTORY NOTIFICATIONS

At the time testing is requested, the person shall be informed that if he/she refuses to submit to or fails to complete a test as required, he/she will be subject to civil penalties, and driver's license suspension, mandatory installation of a state-approved ignition interlock system at his/her expense for one year following the end of the suspension period, the right to request a hearing to show cause why he/she refused to submit or complete testing, and after submitting to evidentiary testing, he/she may, when practicable and at their own expense, have additional tests made by a person of his/her choosing as described in Idaho Code 18-8002(3) and Idaho Code 18-8002A(2).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

- (a) Advise the arrestee of the requirement to provide a sample and consequences of failing to do so (Idaho Code 18-8002).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Personally serve the notice of suspension upon the person (Idaho Code 18-8002A).
- (d) Document the refusal in the appropriate report.
- (e) Complete an affidavit of refusal.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when there are reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle in violation of Idaho Code 18-8004 and when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of

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alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

- (c) If necessary, a person who is authorized by law to draw a blood sample for evidentiary testing may be ordered to do so by the officer when there are exigent circumstances and probable cause to believe the arrestee has committed any of the following offenses (Idaho Code 18-8002(6)(b)):
 - 1. Aggravated DUI.
 - 2. Vehicular manslaughter.
 - 3. Aggravated DUI or criminal homicide involving a watercraft while under the influence of alcohol, drugs or other intoxicating substances.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

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If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 SERVICE OF SUSPENSION

If the driver submits to a breath, blood, or urine test and the results indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of Idaho Code 18-8004, Idaho Code 18-8004C, or Idaho Code 18-8006, the officer shall, acting on behalf of the Idaho Transportation Department (ITD), serve the person with a notice of suspension and notice of the requirement to install, at his/her expense, a state-approved ignition interlock system for a period of one year following the end of the suspension period (Idaho Code 18-8002A(5)).

Within five business days of serving a person with the notice of suspension, the arresting officer shall forward the following to the ITD (Idaho Code 18-8002A(5)):

- (a) A copy of the completed notice of suspension and notice of the requirement to install the ignition interlock system.
- (b) A certified copy or duplicate original of the results of all breath tests for alcohol concentration.
- (c) The arresting officer's sworn statement, which may incorporate any arrest or incident report relevant to the arrest and evidentiary testing, setting forth:
 1. The identity of the person.
 2. The legal cause to stop the person.
 3. The officer's legal cause to believe that the person was DUI.
 4. That the person was advised of the consequences of taking and failing the evidentiary test.
 5. That the person was lawfully arrested.
 6. That the person was tested for alcohol concentration, drugs, or other intoxicating substances and that the result of the test indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of Idaho Code 18-8004, Idaho Code 18-8004C, or Idaho Code 18-8006.

504.8 RECORDS SECTION RESPONSIBILITIES

The Office/Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Office/Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the ITD.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

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An officer called to testify at an administrative hearing should document the hearing date and the ITD file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the prosecuting attorney as part of the case file.

504.10 TRAINING

The Chief of Police should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Chief of Police should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Shift Sergeant shall be responsible for the development and design of all traffic citations in compliance with applicable law.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Any request from a recipient to dismiss a citation shall be referred to the Prosecutor's Office.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Uniform Patrol Sergeant for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Office Manager.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with Records Section.

Employees shall return all unused citations to the Records Section upon separation from employment with the this department.

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505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

The Buhl Police Department has a responsibility to provide assistance to disabled motorists within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by personnel from this department will be contingent on the time of day, the location, the resources availability to this department, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Police Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

Parked and Abandoned Vehicle Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of laws regulating parking of vehicles under Idaho Code 49-659 through Idaho Code 49-662, and abandoned vehicles under the authority of Idaho Code 49-1801; Idaho Code 49-1802 and Idaho Code 49-1804.

507.2 MARKING ABANDONED VEHICLES

Vehicles that officers have reasonable grounds to believe have been abandoned which do not fall within the class of “emergency circumstances” shall have attached thereto, in plain view, a notice that this vehicle will be towed away at the expiration of forty-eight (48) hours as an abandoned vehicle.

The notice shall contain:

- The name of the officer who prepared the notice
- The name of the agency of the officer
- The date and time the notice was attached
- The date and time when the vehicle will be removed
- The telephone number and address of the agency

A reasonable attempt shall be made to notify by telephone the owner of any vehicle which has current license plates and registration as shown on the vehicle registration record, prior to the expiration of the 48 hour notice period, of the location of the vehicle and the time and date of intent to remove the vehicle (Idaho Code 49-1804).

507.2.1 MARKED VEHICLE FILE

The Buhl Police Department shall be responsible for maintaining a file for all Marked Vehicle Cards.

The Code Enforcement Officer shall be responsible for the follow up investigation of all 48-hour parking violations noted in the Marked Vehicle files.

507.2.2 VEHICLE STORAGE

Whenever an officer removes a vehicle from a highway, or from public or private property he/she shall take, or cause to be taken, the vehicle to the nearest garage or other place of safety. At the time of removal, the officer shall record the mileage of the vehicle (Idaho Code 49-1808).

An impound and storage notice form shall be submitted to the Records Section immediately following the storage of the vehicle.

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals

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having an interest in the vehicle through ITD or ILETS computers. Notice to all such individuals shall be sent by certified mail within the 48-hour time period listed above (Idaho Code 49-1805(2)).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 MODIFICATION OF CHARGES FILED

Any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the Prosecuting Attorney's Office or City Attorney's Office only as authorized by the Chief of Police.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should electronically record a custodial interrogation, or any investigative interview, for any offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed without written authorization from the Prosecuting Attorney. Copies or recorded interrogations or interviews may be made in the same or different format provided they are true, accurate, and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of the custodial questioning and investigative interviews and continue to obtain written statements from the suspects when applicable.

Per Idaho, Code 16-1618, all investigative interviews of alleged victims of child abuse should be documented by audio or videotaping.

600.4 PROCEDURES - PRELIMINARY INVESTIGATIONS

The preliminary investigation begins when the first unit arrives at the scene of a crime (or a citizen requests assistance in a telephone call) and continues until postponement pending the intervention of a detective, assuming that postponement will not jeopardize the investigation.

A preliminary investigation consists of, but is not limited to, the following activities:

- (a) Providing aid to the injured
- (b) Protecting the crime scene to ensure that evidence is not lost nor contaminated.
- (c) Determining if an offense has actually been committed and, if so, the exact nature of the offense.
- (d) Determining the identity of the suspect(s) and effecting an arrest if it can be accomplished either at the scene or through immediate pursuit.

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- (e) Furnishing other units with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.
- (f) Obtaining complete identification of all witnesses.
- (g) Determining in detail the exact circumstances of the offense.
- (h) Arranging for the collection of evidence.
- (i) Legally obtaining written statements from victim, witnesses, and suspects.
- (j) Deciding the necessity or degree of follow-up of the crime scene.
- (k) Accurately and completely recording all pertinent information on prescribed report forms.

600.5 FOLLOW-UP

Patrol officers shall conduct the initial stages of all preliminary investigations, including crime scene processing. In certain serious crimes, such as felonies, an investigator shall be called to respond to the scene and assume responsibility for completion of the investigation. In misdemeanor cases the patrol officers will follow-up assigned cases, which will include contacting the victim(s) and witnesses, and/or any suspects. In felony cases the investigator will follow-up assigned cases, but contacting the victim(s) and witnesses, and/or suspects. The investigator will also follow-up misdemeanor cases when assigned. A supplement report will be written on all follow-ups, which will contain the names of all the persons contacted and what the officer told them.

600.6 SUPERVISORY RESPONSIBILITIES

A supervisor shall ensure that an adequate and complete preliminary investigation has been made to; review, screen, and approve the officer's report. Screening shall include a review of facts to ensure that all essential information and elements indicating a criminal act is included, along with legibility, clarity, and completeness. Supervisors are responsible to review, approve, and sign crime reports.

600.7 CRIME SCENE CONTROL

Officers shall limit access to crime scenes to those persons immediately and directly connected with the investigation. Investigating officers shall apply this rule to other officers of the department, other agencies, or the community. In major cases, an officer will be assigned to keep a log of all persons entering or leaving the crime scene.

600.8 PROCEDURES - FOLLOW-UP INVESTIGATIONS

- (a) Most serious felonies, homicides, rapes, robberies, major disasters, hostage situations, bombings, and kidnappings shall be followed up by an investigator. Patrol officers shall follow up most misdemeanor cases. Officers conducting preliminary investigations of serious offenses shall contact an investigator as soon as practicable. Depending upon the circumstances, other cases may be assigned to the investigator, or to other officers.
- (b) Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In such cases, the assigned officer, with his supervisor's approval,

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shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty or continued by the investigating officer, or an officer on the relieving shift.

- (c) Except in cases where the investigation would be jeopardized by its temporary discontinuance, it shall remain the responsibility of the assigned officer.
- (d) A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion he works on it. The investigator shall maintain a file to ascertain that supplemental reports are submitted as required.
- (e) On major offenses, supervisors shall ensure that each officer who responds submits a supplement detailing what that officer saw and heard as it pertains to the offense.
- (f) A follow-up investigation consists of, but is not limited to, the following activities:
 - 1. FOR A NON-CRIMINAL CASE:
 - (a) Interviewing complainants and witnesses.
 - (b) Locating missing persons.
 - (c) Determining if information or suspicious activity relates to criminal activity. A follow-up investigation consists of, but is not limited to, the following activities:
 - (d) Distributing information to the proper person or agency.
 - (e) Locating lost property and returning same to the owner.
 - (f) Investigating deaths, overdoses, suicides and injuries to determine if a crime was committed.
 - (g) Making necessary notifications, conducting necessary inspections, etc.
 - (h) Recording information obtained.
 - 2. FOR A CRIMINAL CASE:
 - (a) Reviewing and analyzing reports of preliminary investigations.
 - (b) Recording information obtained during a follow-up investigation.
 - (c) Reviewing departmental records for investigative leads.
 - (d) Seeking additional information (from other officers, informants, contacts in community, agencies, etc.).
 - (e) Interviewing victim and witnesses.
 - (f) Interrogating suspects.
 - (g) Arranging for the dissemination of information as appropriate.
 - (h) Planning, organizing, and conducting searches.
 - (i) Collecting physical evidence.
 - (j) Recovering stolen property.
 - (k) Arranging for the analysis and evaluation of evidence.

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- (l) Reviewing results from laboratory examinations.
- (m) Identifying and apprehending the offender.
- (n) Checking for suspect's criminal history.
- (o) Determining if the suspect may have committed other crimes.
- (p) Consulting with the prosecuting attorney in preparing cases for court presentation and assisting in the persecution thereof.
- (q) Attendance to testify in court.
- (r) Arrange for polygraph examinations, if necessary.
- (s) Documented follow-up with victims, throughout the course of the investigation.

600.9 SOURCES OF INFORMATION

- (a) General: Officers, through their routine performance, must cultivate sources of information from which to draw in an investigation.
- (b) Informants: Information is available from many sources, e.g., concerned citizens, and criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in criminal activities. These sources shall be kept in mind when conducting investigations and related interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it.
 - 1. Informants, when used in any investigation, must be documented. Consideration of information from informants with an examination of their reliability shall be completed.
 - 2. Requests for money to pay informants shall be handled case by case. The department does not budget for such money, so the chief shall consult with the mayor on the matter
 - 3. Informant confidentiality shall be maintained. Officers shall not discuss cases involving informants with anyone not participating in the case.
- (c) Interviews and interrogation:
 - 1. Field interviews: (F.I. Cards)
 - (a) Field interviews are a productive tool and source of information for the police department. They shall be used only in the pursuit of legitimate goals for the department and not to harass citizens. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.
 - 2. Victim-witness interviews:
 - (a) The trauma/stress to which the victim or witness has been subjected shall be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.

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- (b) The age, physical limitations, and credibility of witnesses shall also be considered.
- 3. Interrogation of suspects:
 - (a) Interrogations to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interrogation is to be used in court later.
 - (b) Detailed notes or a recorded tape shall be made of the interrogation for court use; giving- time, date, location, officers present, waiver of rights and time interrogation ended. Statements obtained during an interrogation must not be based on coercion, promises, delays in arraignment, or deprivation of counsel. In order to use a statement in court, a suspect shall be advised of his/her Miranda rights, and the officer must be able to demonstrate that the suspect understood those rights. Juvenile victims, witnesses, and suspects must be given the same constitutional protection as adults. The following additional safeguards shall be followed:
 - 1. Parents or guardians are to be notified whenever a juvenile is interrogated, taken into custody, or charged.
 - 2. The number of officers engaged in the interrogation shall be kept to a minimum. The interrogation shall be short.
 - 3. A brief explanation of the juvenile justice system and departmental procedures shall be provided.
- 4. Collection, preservation, and use of physical evidence:
 - (a) Officers must realize that physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
 - (a) All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

600.10 DISPOSITION OF REPORTS

- (a) When the investigation is complete, the officer shall close the case report and include in the file a statement one of the following labels:
 - 1. Cleared- an arrest has been made in this case.
 - 2. Exceptional Clearance - the identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; prosecuting attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.

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3. False Report - the reporting party lied in order to mislead the police concerning the incident. Do not confuse unfounded and false report. It is a violation of the law to deliberately make a false report. An unfounded report is usually made in the belief that the offense actually occurred, but, in fact, it did not.
4. Open/Inactive- all leads have been exhausted. No further investigation is possible or practical until new leads develop. Victim can not supply any additional information. The case is still open, however it is currently inactive, as no other leads are available.
5. Open/Active- Case is currently being worked and should be forwarded to assigned officer for follow-up.
6. Unfounded - the offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. (If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open).

600.11 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.11.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.12 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

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- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted, or requested; and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.13 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.14 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this [department/office]. If a member encounters information relevant to a criminal investigation while off-duty or while using their own equipment, the member should note the dates, times, and locations of the information and report the discovery to their supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

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Information obtained via the internet should not be archived or stored in any manner other than [department/office]-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.14.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias, or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.14.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.15 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Sergeant or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.16 INVESTIGATIVE PROCEDURES

The Investigation Sergeant or the authorized designee is responsible for the development of investigative procedures including:

- (a) Management of criminal investigative case files.
- (b) Preliminary and follow-up criminal investigation responsibilities and checklists.
- (c) Use of polygraph or other truth-telling device examinations.

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- (d) Cold case investigations.
- (e) Undercover, surveillance, decoy, and raid operations, including use of surveillance and undercover equipment.
- (f) Collecting, processing, and preserving digital evidence.
- (g) DNA collection from a known source.

600.17 TASK FORCE PARTICIPATION

If the [Department/Office] participates in a multi-jurisdictional task force, the [Department/Office] shall have written guidelines governing the activities of the task force, including:

- (a) Assigning members to the task force.
- (b) Identifying the purpose of the task force.
- (c) Defining authority and responsibility.
- (d) Establishing accountability.
- (e) Identifying available resources.
- (f) Evaluating results and continued need.

Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Buhl Police Department seizes property for forfeiture or when the Buhl Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The [department/office] member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the [Department/Office] and the assigned attorney.

Property subject to forfeiture - Includes but may not be limited to the following:

- (a) Non-real property that may generally be subject to civil forfeiture under the Uniform Controlled Substance Act (Idaho Code 37-2744) includes:
 1. Property used, or intended for use, as a container for property used in the commission of an act prohibited by Idaho Code 37-2732B (trafficking), Idaho Code 37-2732(a) or (b) (prohibited acts), or Idaho Code 37-2737A (manufacture or delivery of controlled substance where children are present).
 2. A conveyance used, or intended for use, to transport or to in any way facilitate the transportation, delivery, receipt, or manufacture of substances prohibited by Idaho Code 37-2732B, Idaho Code 37-2732(a) or (b), or Idaho Code 37-2737A.
 3. Money, currency, negotiable instruments, securities, or other items easily liquidated for cash which have been used or are intended for use in connection with the illegal manufacture, distribution, dispensing, or possession of property described in Idaho Code 37-2744(a)(6).
 4. All weapons or firearms used in any manner to facilitate a violation of the Uniform Controlled Substance Act (Idaho Code Title 37, Chapter 27).
- (b) Real property may be subject to civil forfeiture under the Uniform Controlled Substance Act when both of the following are present (Idaho Code 37-2744A):
 1. Either the property or interest in a property is used to commit or to facilitate a violation of the Uniform Controlled Substance Act (Idaho Code Title 37, Chapter 27).
 2. The offense is punishable by more than one year of imprisonment.

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- (c) Real property, personal property, or money may be subject to criminal forfeiture by order of a court upon a controlled substance conviction (Idaho Code 37-2801; Idaho Code 37-2802).
- (d) Real property, personal property, money, or cryptocurrency may be subject to criminal forfeiture by order of a court upon a commercial sexual activity, child sexual exploitation, child enticement, or human trafficking conviction (Idaho Code 18-5612; Idaho Code 18-5618; Idaho Code 18-1507B; Idaho Code 18-8611).

Seizure -The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Buhl Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Buhl Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Any property ordered to be seized by a search warrant or court order.
- (b) Property subject to civil forfeiture may be seized by an officer without a court order if one or more of these circumstances exist (Idaho Code 37-2744):
 1. The seizure is incident to an arrest, execution of a search warrant, or during an inspection under an administrative inspection warrant.
 2. Probable cause exists to believe that the property is directly or indirectly dangerous to health or safety.
 3. Probable cause exists to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substance Act (Idaho Code Title 37, Chapter 27).
- (c) Property subject to criminal forfeiture may be seized without a court order or search warrant if the property is subject to lawful seizure as evidence of a crime.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

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The mere presence or possession of U.S. currency, without other indications of criminal activity, is insufficient cause for seizure (Idaho Code 37-2744).

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the Idaho State Police or the prosecuting attorney's current minimum forfeiture thresholds.
- (b) Property, vehicles, or other items (listed in the code) from an "innocent owner" (an owner who did not consent to, or have knowledge of, the offense) (Idaho Code 37-2744; Idaho Code 18-1507B).

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

601.5 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.

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- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

601.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the [Department/Office] on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly the civil forfeiture statutes (Idaho Code 37-2744 et seq.) and criminal forfeiture statutes (Idaho Code 37-2801 et seq.; Idaho Code 18-5612 et seq.; Idaho Code 18-1507B; Idaho Code 18-8611 et seq.), and the forfeiture policies of the Idaho State Police as well as both the state and local prosecutors.
- (b) Serving as the liaison between the [Department/Office] and the Idaho State Police and the County Prosecutor and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Deciding whether the forfeiture is more appropriately made under state or federal forfeiture laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for [department/office] use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 1. Names and contact information for all relevant persons and law enforcement officers involved.
 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 3. A space for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be

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developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

- (h) Reviewing each asset forfeiture case to ensure that:
 1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of intent to seek forfeiture has been given in a timely manner to those who hold an interest in the seized property.
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the [Department/Office] disposes of property as provided by law following any forfeiture.
- (k) Filing the annual report of seizures and forfeitures required by Idaho Code 37-2744(j) with the County Prosecutor on a form prescribed by the Idaho State Police.
- (l) This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

601.7 DISPOSITION OF FORFEITED PROPERTY

With judicial approval, the department may retain for official use seized property that is suited for law enforcement use (Idaho Code 37-2744(e)).

The forfeiture reviewer should maintain accurate records of department costs, to be used in the disposition of forfeited proceeds in the event agency reimbursement is ordered (Idaho Code 37-2744; Idaho Code 37-2744A).

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601.8 NOTIFICATION TO THE DIRECTOR OF IDAHO STATE POLICE

An officer who seizes property under the authority of Idaho Code 18-5612, Idaho Code 18-8611, Idaho Code 37-2744, or Idaho Code 37-2801, in coordination with the forfeiture reviewer, shall ensure the Director of the Idaho State Police is notified of the seizure and provided with an inventory within five days (Idaho Code 18-5619; Idaho Code 18-8612; Idaho Code 37-2744; Idaho Code 37-2803).

Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Buhl Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Buhl Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 INFORMANT FILE SYSTEM

The Detective or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

602.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es) and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph.
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (j) Name of officer initiating use of the informant.
- (k) Signed informant agreement.
- (l) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Investigation Bureau. These files shall be used to provide a source of background information about the informant, enable

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review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Sergeant, the Investigation Bureau Supervisor, or their designees.

602.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Investigation Bureau Supervisor. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

602.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

602.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of this department's Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the Chief of Police before being finalized with the confidential informant.

All informant agreements are subject to supervisor review, audit, and/or approval. In certain instances, potential persons can be disqualified from participating in investigations as an informant during the course of this review, audit, and/or approval process. The review process should be performed as outlined in the Department of Justice Guidelines regarding the use of confidential informants.

602.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Buhl Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Buhl Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.

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- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Buhl Police Department, and that they shall not represent themselves as such.
- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Investigation Bureau supervisor.
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Investigation Bureau Supervisor. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible.
- (h) In all instances when this department provides payment to informants, a voucher shall be completed in advance, itemizing the expenses.

602.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

602.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Investigation Bureau Supervisor will discuss the above factors with the Uniform Patrol Sergeant and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

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602.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage of payment he/she will receive for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of \$150,000.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of \$30,000.

602.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Mayor's signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Investigation Bureau Buy/Expense Fund. The Investigation Bureau Supervisor will be required to sign the voucher for amounts under \$500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Buhl Police Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds \$500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

602.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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602.6 POLICY

The Buhl Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.7 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Investigation Bureau supervisor will discuss the above factors with the Uniform Patrol Sergeant and recommend the type and level of payment subject to approval by the Chief of Police.

602.7.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Investigation Bureau buy/expense fund.
 1. The Investigation Bureau supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the City Mayor are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - (a) Date

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- (b) Payment amount
 - (c) Buhl Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

602.7.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

602.7.3 AUDIT OF PAYMENTS

The Investigation Bureau supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

602.8 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigation Bureau. The Investigation Bureau supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Sergeant, Investigation Bureau supervisor or their authorized designees.

The Investigation Sergeant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigation Bureau supervisor is replaced, the files will be audited before the new supervisor takes over

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management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

602.8.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

602.9 USE OF INFORMANTS

602.9.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

602.9.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

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- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

602.9.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.10 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Sergeant, Investigation Bureau supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Buhl Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigation Bureau supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Investigation Bureau supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

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- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

602.10.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Buhl Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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603.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

603.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies the subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances, members should document the contact information for any additional witnesses for follow up, if necessary.

Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Buhl Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Buhl Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Buhl Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

604.4 DISCLOSURE OF PERSONNEL INFORMATION

The Chief of Police will designate one or more members of the Department to act as a *Brady* coordinator who will be responsible for working with the appropriate prosecutor’s offices and the

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City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

The *Brady* coordinator should periodically examine the personnel files and/or internal affairs files of all department members who may be material witnesses in criminal cases to determine whether they contain potential *Brady* information.

If a member of this department whose personnel and/or internal affairs files contain potential *Brady* information is a material witness in a criminal case the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

604.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

604.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means. For purposes of this policy, a UAS includes a drone and remotely piloted vehicle or aircraft as provided in Idaho Code 21-213.

605.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

605.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for [department/office] operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Coordinating training for all authorized operators and required observers on the limitations of UAS use contained in Idaho Code 21-213.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

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UAS operations should only be conducted consistent with FAA regulations.

Operators shall not surveil, photograph, or record targeted people or specific privately owned land, commercial or industrial properties, residences, or any other privately-owned buildings without the written consent of the owner or a warrant. Operators may use a UAS for the following purposes so long as a person's reasonable expectation of privacy is not violated (Idaho Code 21-213):

- (a) Traffic accident documentation or reconstruction
- (b) Crowd or traffic management of an event by monitoring public streets and intersections leading to and from a sports or entertainment arena, fairgrounds, stadium, convention hall, special event center, amusement facility, outdoor concert venue, plaza, or special event area
- (c) Assessing damage due from a natural disaster or fire
- (d) For training, so long as the operation does not otherwise violate this policy or privacy rights
- (e) To assist in search and rescue operations
- (f) Investigating crime scenes
- (g) Temporary use to respond to emergencies involving an imminent threat to lives or property
- (h) Responding to an emergency affecting public safety

605.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- As the sole basis of a traffic infraction citation (Idaho Code 21-213).

The UAS shall not be weaponized.

605.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Sexual Assault Investigations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Idaho Code 18-6101 et seq.; Idaho Code 18-6604; and sexual offenses in Title 18, Chapter 15 of the Idaho Code.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

606.2 POLICY

It is the policy of the Buhl Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

606.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates, and support for the victim.
- (f) Participate in or coordinate with the SART.
- (g) Ensure reports of sexual assault are provided to the Office/Records Manager for timely filing to the appropriate prosecuting attorney (Idaho Code 39-6316). See the Records Section Policy for additional guidance.

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606.3.1 VICTIM TRANSPORTATION

Officers shall make every effort to facilitate transportation of a victim to a hospital for treatment of injuries or to a place of safety or shelter (Idaho Code 39-6316).

606.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

606.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

606.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

606.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to SIRCOMM (Southern Idaho Regional Communications Center), should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10449).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

606.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

606.8.1 COLLECTION AND TESTING REQUIREMENTS

Investigating members shall facilitate the collection of a sexual assault evidence kit or sexual assault evidence, including evidence from an entity that has performed a medical examination of a sexual assault victim (Idaho Code 67-2919).

If the Buhl Police Department obtains evidence related to a sexual assault that occurred in another jurisdiction, that agency should be notified as soon as reasonably practical, but no later than seven days for purposes of retrieving the evidence. When this department is notified by another agency that they are holding evidence related to the Buhl Police Department case, an investigating member should obtain the evidence no later than seven days after notification (Idaho Code 67-2919).

When the crime of sexual assault is alleged and the allegation has not been determined to be unfounded, sexual assault evidence kits, along with required reference samples, shall be submitted to the Idaho State Police Forensic Services Laboratory for testing as soon as reasonably practical, but no later than 30 days after obtaining the evidence unless (Idaho Code 67-2919):

- (a) The victim requests the kit be collected as an anonymous kit.

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A decision not to forward a sexual assault kit to a lab, with the exception of an anonymous kit, must be independently reviewed by the county prosecutor's office (Idaho Code 67-2919).

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

606.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Investigating members should work with the victim liaison as provided in the Victim and Witness Assistance Policy.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

606.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Unit supervisor.

Classification of a sexual assault case as unfounded requires the Detective Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

606.10 CASE REVIEW

The Detective Unit supervisor should ensure cases are reviewed on a periodic basis using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

Forensic Genetic Genealogy

607.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

607.2 POLICY

The Buhl Police Department's use of FGG will be in coordination with prosecutors, the [Medical Examiner/JOP], and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to

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maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

607.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

- (a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
 - 1. The perpetrator of an unsolved violent felony.
 - 2. The unidentified human remains of a suspected homicide victim.
- (b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
- (c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

607.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the [MedicalExaminer/JOP].

607.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the [Department/Office] in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the [Department/Office].

607.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

- (a) Eliminate an individual as a potential suspect in the case.
- (b) Link an individual to the case as a potential suspect.
- (c) Identify human remains.

607.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

607.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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- (a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.
- (b) If applicable, consult with the [MedicalExaminer/JOP] for an amendment to a certificate of death.

607.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for [department/office] records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the [Department/Office].

607.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the property officer and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Evidence Room Policy for guidelines regarding biological evidence, including DNA samples.

Chapter 7 - Equipment

Police Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Police Department employees are expected to properly care for property issued, assigned or entrusted to them by this department. Employees may also suffer occasional loss or damage to personal, issued, assigned or entrusted property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF POLICE DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of issued, assigned or entrusted property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report, through their chain of command, any loss, damage, or unserviceable condition of any issued, assigned, or entrusted property or equipment assigned for their use.
- (b) The use of damaged or unserviceable issued, assigned, or entrusted property or equipment should be discontinued as soon as practical and replaced with comparable items as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, issued, assigned, or entrusted property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Issued, assigned, or entrusted property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any property of this department becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Sergeant, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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This department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City of Buhl, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Sergeant.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the [Department/Office] or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The Buhl Police Department allows members to utilize [department/office]-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the [Department/Office] and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through [department/office] PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for [department/office]-related business or when the use reasonably implicates work-related misconduct.

701.4 [DEPARTMENT/OFFICE]-ISSUED PCD

Depending on a member's assignment and the needs of the position, the [Department/Office] may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. [Department/Office]-issued or funded PCDs may not be used for personal business either on- or

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off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the [Department/Office] and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The [Department/Office] accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by [department/office] procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the [Department/Office] to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the [Department/Office] should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any [department/office] business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the [Department/Office], without the express authorization of the Chief of Police or the authorized designee.
- (f) If the PCD is carried on-duty, members will provide the [Department/Office] with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Buhl Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in [department/office] business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty [department/office]-related business activities in any manner shall promptly provide the [Department/Office] with a copy of such records to ensure accurate recordkeeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct [department/office] business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official [department/office] business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.
- (f) Members will not access social networking sites for any purpose that is not official [department/office] business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

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- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Idaho Code 49-1401A). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate;

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

702.2 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issues shall be promptly filed with the vehicle history.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll of crime scene barricade tape
- 1 first aid kit
- 1 blanket
- 1 fire extinguisher
- 1 blood-borne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag

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- 1 high-visibility vest
- 1 hazardous material emergency response handbook
- 1 evidence collection kit
- Spare tire, jack, and lug wrench
- Set of tire chains (seasonal)

702.3.2 UNMARKED VEHICLES

A member driving unmarked department vehicles shall ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll of crime scene barricade tape
- 1 first aid kit
- 1 blanket
- 1 fire extinguisher
- 1 blood-borne pathogen kit, including protective gloves and a NIOSH particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous material emergency response handbook
- 1 evidence collection kit
- Spare tire, jack, and lug wrench
- Set of tire chains (seasonal)

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of the shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.5 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Patrol officers shall obtain clearance from the dispatcher before going to the car wash. Only one patrol vehicle should be at the car wash at the same time unless otherwise approved by a supervisor.

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Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

702.6 POLICY

The Buhl Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.7 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure [department/office]-owned vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of [department/office] vehicles and shall not be construed to create or imply any contractual obligation by the City of Buhl to provide assigned take-home vehicles.

703.2 POLICY

The Buhl Police Department provides vehicles for [department/office]-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the [Department/Office], requirements for tactical deployments, and other considerations.

703.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDT and/or a GPS device shall ensure the devices are on and set to audible volume whenever the vehicle is in operation.

703.3.1 AUTHORIZED PASSENGERS

Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized by their supervisor or Chief of Police, to ride as a passenger in their vehicle. Authorized passengers are required to complete a Ride-along form.

703.3.2 TRANSPORT OF PRISONERS

It shall be a requirement of the Buhl Police Department that all persons who have been lawfully arrested for any offense or warrant of arrest be restrained during transport, and have been thoroughly searched prior to transport by the transporting officer.

Restraint of individuals should be done in accordance with all provisions of Policy 302 in this manual, and it is necessary that all officers know when and how prisoners are to be restrained and when, where, and how particular restraining devices are to be employed, including special and prohibited methods.

Search of all prisoners shall be conducted by the transporting officer, regardless of whether or not the prisoner has previously been searched by other authorized police personnel. Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior

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to being placed in a police vehicle. All searches should be carried out in accordance with the provisions of Policy(ies) 311 and 900 in this manual. It is necessary that all officers know when and how prisoners are to be searched, being mindful of the constitutional rights of the person being searched and the laws of the United States and the State of Idaho.

Further, prisoners should only be transported in vehicles that are equipped for the transport of prisoners.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and

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other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, the member should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Sergeant approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify SIRCOMM (Southern Idaho Regional Communications Center). Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any [department/office] vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING

Except when responding to an emergency or when urgent [department/office]-related business requires otherwise, members driving [department/office] vehicles should obey all parking regulations at all times.

[Department/Office] vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to [department/office] vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Chief of Police..

703.3.11 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

[Department/Office] vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform their regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other [department/office] members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where [department/office] vehicles must be used by members to commute to and from a work assignment. Members may take home [department/office] vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the [Department/Office].
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Buhl City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) The vehicles will be locked when not attended.
- (f) All firearms, weapons, and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the [Department/Office]. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that their assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the [department/office] supervisor in charge of vehicle maintenance.

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- (d) The [Department/Office] shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Buhl Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their [department/office]-issued identification. Officers should also ensure that [department/office] radio communication capabilities are maintained to the extent feasible.

703.5 DAMAGE, ABUSE, AND MISUSE

When any [department/office] vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any [department/office] vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

703.6.1 ACCESSORIES AND/OR MODIFICATIONS/ REPAIRS BY EMPLOYEES PROHIBITED

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Chief of Police.

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703.7 ATTIRE AND APPEARANCE

When operating any [department/office] vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever a member is in public view or has contact with the public, the member's attire and appearance, regardless of the activity, should be suitable to reflect positively upon the [Department/Office].

703.8 SPECIAL PURPOSE VEHICLES

The Uniform Patrol Sergeant or the authorized designee shall establish procedures governing the use of all special purpose vehicles. Special purpose vehicles may include but are not limited to vehicles used for:

- [Crisis Response Unit].
- Mobile command.
- Bomb disposal.
- Bicycle patrol.
- Aircraft operations.

At a minimum, the procedures should include, for each vehicle:

- A statement of the objectives for each type of vehicle operation or usage.
- Who may authorize use.
- Operation instructions.
- Conditions for use.
- Limitations on use.
- Vehicle operator qualification and training.
- List of authorized operators.
- Who is responsible for the condition and maintenance.
- An inventory of required equipment.
- Operational readiness inspection schedules.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Buhl Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (ANSI).

704.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

704.7 RESPIRATORY PROTECTION

The Administration Sergeant is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for:

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting (including frequent, random inspections), repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), ANSI, Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

704.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander should reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes:

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

704.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall:

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances.

A scene commander may order the use of gas masks in situations where the use of an SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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704.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

704.7.5 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor.

After initial testing, fit testing for respiratory PPE should be repeated:

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member should be issued respiratory protection that forms a complete seal around the face until:

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

704.8 RECORDS

The Chief of Police is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department established records retention schedule (29 CFR 1910.1020).

704.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations.

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices.

Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

705.2 POLICY

It is the policy of the Buhl Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

705.3 PETTY CASH FUNDS

The Chief of Police shall act as the fund manager, responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the Chief of Police.

705.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

705.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City Treasurer

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Cash Handling, Security and Management

705.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigation Bureau supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

705.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Chapter 8 - Support Services

Evidence Room

800.1 EVIDENCE ROOM CONTROL AND ACCESS

ICOPA 3.4

Access to all evidence areas of the Buhl Police Department is limited to that of only authorized personnel. The department uses three (3) areas to store evidence and property.

- (a) An evidence room is located inside the Dormitory at an offsite location owned by the City of Buhl. It is divided into two separate areas, a room for officers to place property they have booked in, and a room where the evidence custodian places retrieved property for re-location to permanent holding (main evidence room). After evidence is placed into any evidence locker or room, it shall be immediately secured by locking it.
- (b) Back of the "old armory" complex. This area shall be used to store flammable, high risk and hazardous materials, automobiles, and any other items too large to be stored in the locations described above in section a.

Access to the department's main evidence room is restricted only to the evidence custodian. Access by any other person is prohibited, unless specifically authorized by the Chief of Police. The Chief of Police maintains the exclusive right to enter and examine any evidence room area at his discretion. This shall include acting on behalf of the evidence custodian in his/her absence or conducting announced and unannounced periodic inspections to assure policy and legal compliance.

800.2 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security, and disposition of evidence and other property. Additionally, this policy provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

800.2.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Evidence Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the [Department/Office] or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the [Department/Office] for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

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800.3 DEFINITIONS

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints, digital recordings, and DVD interviews are included in this class.

Safekeeping - Includes the following types of property:

- Property obtained by this department for safekeeping.
- Personal property of an arrestee not taken as evidence
- Property, such as firearms, taken by officers for the protection of citizens.

Found property - "Found Property" is property found by any person that has no apparent evidential value and where the owner cannot be readily identified or contacted. Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner. A property invoice must be completed to document the release of property, and the owner shall sign the form acknowledging receipt of the item(s).

Audit - An official inspection of the Evidence Room and evidence operational systems by randomly selecting items for review. The process of reviewing and evaluating the methods used to locate, track, and account for items of property/evidence in the agency's custody.

Biohazard - Materials that contain blood or other potentially infectious materials. These materials include many of those found in biological evidence, such as semen, vaginal secretions, or any body fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult or impossible to differentiate between body fluids as well as any unfixed tissue or organ from a human (living or dead) that can be collected at a crime scene and stored.

Booking Officer - The employee who prepares property for submission to the Evidence Room and, either directly or through an authorized temporary storage process, books the property into the custody of the Evidence Room.

Case Disposition - The point in the criminal justice process when a criminal or civil case has reached a conclusion and is removed from the court docket. A case disposition may be the result of a dismissal of the case, a guilty plea, a finding of guilty, or an acquittal.

Chain of Custody - The chronological documentation of the seizure, custody, control, transfer (temporary or permanent), and disposition of property or evidence, either physical or digital.

Contamination – The unwanted transfer of material from another source to a piece of physical evidence.

Contraband - Is any property that is not to be used as evidence, which cannot be returned to the owner, or is considered dangerous or illegal if possessed by an adult or juvenile under the context of municipal, state, or federal law.

Crime Laboratory – A facility (government or private) that analyzes physical evidence.

Crime Scene – A location where (or a person upon whom) a crime may have occurred.

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DNA Evidence - Any biological evidence collected by law enforcement or some other forensically sound practice (forensic nurses, or post mortem examiner, etc.) in a criminal investigation that is reasonably believed to contain DNA (deoxyribonucleic acid) that is relevant to a disputed issue in the investigation and prosecution of the case.

Destroyed - Property or evidence that is rendered inoperable, entirely unfit for its intended purpose or use, or damaged so severely it no longer exists.

Disposed (i.e., Disposition) - Authorized and approved method of purging property/evidence. Evidence/property may be discarded, destroyed, diverted, sold at public auction.

Diversions - The process by which the Department may transfer ownership of abandoned or unclaimed property in its possession for public use, including the City itself.

Evidence - Items that may be related to a crime. Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case or clear a person of a criminal charge.

Evidence Packaging – How items with potential evidentiary value are wrapped, bagged, or boxed to be preserved, documented, and labeled.

Field Training Officer (FTO) – Is an experienced staff member of the organization responsible for training and evaluating newly hired staff or probationary level members.

Found/Unclaimed property - Non-evidentiary property coming into the custody of the Department determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense. This property will be managed per the Municipal Ordinance.

Inspection – The process of examining and evaluating the safety, cleanliness, functionality, and efficiency related to an agency's property/evidence facility.

Inventory - A complete, documented listing of all, or a specified portion of, property and evidentiary items in the custody of the Evidence Room.

Paper Property Form – A form utilized to document the release of the property that may be released to the owner in the field without the need for booking. It may also be used to record property and evidence brought into the agencies' custody when the RMS system is not functioning.

Property and Evidence Management System (PEMS) (EFORCE RMS) - A computerized record system used to manage and track all property and evidence, including chain of custody.

Personal Protective Equipment (PPE) – Items used to prevent an individual's direct contact with blood-borne pathogens. Includes disposable gloves, coveralls, shoe covers, masks, and eye protection.

Property - An item, personal property, found property or safekeeping property -- that may be seized, recovered or received and submitted to the Property and Evidence Unit to be held. Property specifically excludes such things as department uniforms, police officer equipment, police vehicle

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parts or accessories, forms or reports, cleaning supplies, spare computers, furniture items, unless any one of combination of these items are evidence in any criminal or civil case or litigation.

Property and Evidence Standard Operating Procedures (PNESOP) - The procedures that describe the administration guidelines for the Evidence Room, the procedural guidelines for booking property and evidence, and the operational guidelines for the management and control of property and evidence in the custody of the Department.

Property/Evidence Supervisor – A person responsible for the supervision and management of all operational functions of the property/evidence unit.

Property/Evidence Technician – The employee(s) assigned physical responsibility for the security and general management of the property and evidence operation

Property and Evidence Unit – The organizational unit within the law enforcement agency charged with maintaining property and evidence.

Property Room(s) - Secure locations where property and evidence is stored, which also include secondary storage, off-site locations and high-risk storage areas.

Property Tag - A label or tag that contains required information (description, location found, category, owner information, property id number, and case number) to book in property or evidence.

Purge Review – A systematic process assuring each item of property and evidence is evaluated for possible purging at least regularly or upon expiration of the statute of limitations.

Records - All books, papers, cards, photographs, tapes, recording or other documentary materials, regardless of form or characteristics, that are made, maintained or kept by the Department in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical/biological substance testing to determine genetic markers conducted.

Records Management System (RMS) (EFORCE) – the operating system that manages the case record throughout the record's life-cycle.

Retention Period - The duration of time for the continued possession, use or control of property, evidence or records as established by Department policy and procedures in accordance with state and federal laws or municipal ordinance.

Right of Refusal – The authority given to the Property and Evidence Technician(s) to reject and notify the booking officer that property or evidence is improperly packaged or documented, and needs correction.

Safekeeping Property - Non-evidentiary property placed in the temporary custody of the Department for temporary protection on behalf of the owner.

Secured Temporary Storage - A locker or location, which is deemed secure within the chain of custody regardless of the presence of a Property and Evidence Technician, where property or

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evidence may be stored temporarily and is designed to restrict access to the property or evidence residing within.

Sharps – Typically, a medical instrument or device, or a grooming implement (i.e., syringe, razor blade), that is capable of carrying a pathogen, and transmitting that pathogen via cutting or piercing the skin of the handler.

Standard Operating Procedure (SOP) – A set of instructions covering those features of operations that lend themselves to a definite or standardized procedure without loss of effectiveness and ensures consistency.

Statute of Limitations – The legally defined time in which a criminal or civil action may be initiated. Once the statute of limitations has expired, a case may no longer be filed or prosecuted.

Two-Person Rule – Under this rule, two authorized people should be present at all times, so they have full access and can perform the required actions.

800.4 PROPERTY AND EVIDENCE MANAGEMENT RESPONSIBILITIES

The Chief of Police or his/her designee is responsible for managing the Buhl Police Department Evidence Room and evidence technicians. The Evidence room technician(s) will manage the day-to-day operations of the evidence room.

800.5 PROPERTY AND EVIDENCE ACCOUNTABILITY

The property and Evidence Supervisor and Technicians are responsible for the control and management of all properties accepted by the Buhl Police Department and for all property stored in the Evidence Room storage areas.

800.6 PROPERTY AND EVIDENCE SECTION SECURITY

The Buhl Police Department evidence room shall maintain secure storage and control of all property necessitating custody by the department.

All keys for the Evidence Room, work areas, or processing areas shall be maintained by the evidence technician and supervisor. Additional personnel authorized by the evidence technician and or supervisor may be issued access based on specific duties and responsibilities. All employees shall sign an acknowledgment of receipt for all keys issued to them. Upon separation from the Department, the employee shall return all assigned keys and access cards. In addition, it will be the responsibility of the Chief of Police to confirm that the employee's access to any law enforcement database is disabled. A copy of all primary access keys shall be sealed in an initialed envelope and maintained by the Chief of Police. The evidence technicians or authorized personnel shall not loan property and evidence keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence secured storage area other than the Evidence Technicians, Supervisors, or the Administrative Commander must be accompanied by an Evidence Technician and must sign in and out on the logbook, giving the date and time of the entry and exit and the purpose of the visit, including a specific case or property number. The accompanying unit member

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shall initial the entry. The evidence supervisor may grant limited but accompanied access to other persons.

Physical storage protocols are required for high-risk items such as money and precious metals, Jewelry, firearms, and drugs. These items shall be stored and secured in a separate room, safe, or cage within the secured property storage.

800.7 PACKAGING OF PROPERTY

Property and evidence shall be packaged in accordance with this policy. Improperly packaged property or evidence will not be accepted.

800.7.1 RIGHT OF REFUSAL

A Property and Evidence Supervisor or Technician has the authority to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property and Evidence Technician refuse an item, they shall secure the item in a secured temporary storage location.

The Property and Evidence Technician shall notify the booking officer and the booking officer's supervisor or Field Training Officer (FTO) of the improperly booked property or evidence within one (1) business day of receipt, clearly define all errors for correction, and provide a solution or action for correction. Record of officer notifications shall be tracked for statistical reference by the Property and Evidence Technician. The booking officer shall make all corrections and resubmit the item within seven (7) calendar days. If the booking officer is unavailable within the seven (7) calendar days or does not resolve the error, the Property and Evidence Technician shall notify the booking officer's supervisor, who shall be responsible for resolving the error within seven (7) calendar days of the secondary notification.

800.8 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody, and control of such property until it is transferred to the property officer and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the [Department/Office]. A copy of the property receipt form shall be given to the individual from whom the property was taken.

800.8.1 PROPERTY BOOKING PROCEDURE

All property and evidence must be booked in and placed into a designated secured storage locker, container, or location prior to the employee going off-duty. Those procedures shall include:

1. Individually packaging all items in appropriately sized or designated packaging.
2. Completing a designated property tag for each booked item and securely attaching the property tag to each package or envelope in which the property is stored.

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3. Visibly marking each sealed package on the seal with the booking officer's initials and badge number, and the booking date.
4. Entering the property or evidence information into the designated records management system.
5. Placing the property or evidence in a designated permanent or temporary storage locker or container. Employees utilizing temporary storage lockers shall maintain sole custody of the key to the locker to ensure the chain of custody is not broken.
6. Multiple property items with more than one owner shall not be booked in as one item.

In extraordinary situations and with the approval of the Duty Sergeant, employees may secure property or evidence in secured temporary storage for no more than twenty-four (24) hours prior to being booked in. In extreme cases involving significant investigatory actions, it may also require a delay in booking the evidence into the Property and Evidence Room. These incidents will require the approval of the Lieutenant or Chief of Police.

SAFETY PROCEDURES

Adherence to proper evidence submission procedures is essential for the proper evaluation of evidence to maintain the chain of custody and to maintain the physical integrity and evidentiary value of submitted items. Failure to follow department procedures when submitting evidence can result in the evidence being returned unanalyzed or possible injury to employee(s).

UNIVERSAL PRECAUTIONS

Safety standards apply to all employees. Those who could come into contact with blood, body fluids, and other potentially infectious materials must use extra caution. Always assume that all items may be infected and handle the property and evidence accordingly.

Minimize or eliminate exposure to blood and other potentially infectious materials that could result in the transmission of blood-borne pathogens, which could lead to disease or death.

All items of property and evidence have the potential to carry disease, hazards, and safety risks. Always use appropriate universal precautions and Personal Protective Equipment (PPE).

- (a) Wear clean latex gloves when handling most property and evidence.
- (b) Wear puncture-resistant gloves whenever handling sharp or pointed objects.
- (c) Wear eye protection when handling items that may splash.
- (d) Wear masks when handling drugs and particulate matter.

800.8.2 ADDITIONAL DOCUMENTATION & RESPONSIBILITIES

Employees shall document in their written report(s) the circumstances detailing how the property or evidence came into their possession. Documentation should be in accordance with the Department report writing procedures. Booking and chain of custody documentation reflecting all internal handling, transfers, releases and final dispositions of property and evidence shall be maintained in the RMS.

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Unless the property is contraband, every reasonable effort shall be made to ensure it can be returned to the rightful owner. Details regarding which property belongs to each party on a case are critical and shall be carefully notated by the officer when booking it in and writing reports. Property that cannot be returned to its rightful owner shall be disposed of in a manner consistent with the State Law, Municipal Ordinances, and department policy and procedures. No employee shall convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with departmental policies and procedures.

800.8.3 EVIDENCE HANDLING

Employees shall package all property, except narcotics and dangerous drugs, in a suitable package/container for its size. Knife Boxes should be used to package knives and syringe tubes should be used to package syringes and needles. A property tag and or Evidence envelope shall be completed and or attached to the outside of all items or groups of items packaged together. All property and or evidence must be entered into evidence and RMS before the officer goes off duty.

Any member of this agency who has evidence to be placed in the evidence room shall make a complete inventory of that evidence at the location where it was found or recovered. That inventory shall include the following information for all items of evidence:

- (a) Description of the item (include make, model number, and serial number, if any)
- (b) Source (from whom or location obtained)
- (c) Name of the person primarily responsible for collecting the item or items
 - 1. All items collected will have the Department evidence tag affixed and/or an Evidence envelope or bag filled out. This will include the agency submitting name, case number, date of offense, Exhibit No., date of birth (DOB), suspect information (name), victim information (name), crime designation (charge), description of evidence, location found, date found, examination required officer to contact, phone number, and chain of custody. Evidence to be returned will have the name, address, and phone number of the person to whom it will be returned recorded on the back of the evidence tag. Items that can be packaged together (bagged or boxed) may have only one evidence tag attached, listing the contents. Those items that cannot be packaged together will have an evidence tag/or envelope securely attached.
- (d) Evidence not meeting Department policy standards will be returned to the submitting officer. Items will be placed in the approved locker for return. Evidence tech will forward a message to the officer and their supervisor of any evidence refused and the reason it was refused. Officers will correct the problem and return the evidence/ property to evidence on their next duty day following notification.
- (e) The impounding officer shall properly handle, mark and package all evidence, and transport it to the evidence packaging area and secure it in an evidence locker or authorized secure location as soon as possible. Items submitted for latent fingerprint processing will be packaged to allow handling of the evidence without contamination by officers and evidence personnel. Officers are responsible for ensuring that no

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other items of value are contained in the evidence submitted. No property seized by members of this department will be stored in private lockers or any other location.

All items of property and evidence shall be tagged by the officer receiving the property or evidence. The officer shall sign the evidence tag or State of Idaho Forensic Laboratory evidence envelope. All narcotic and drug-related items will be secured in the Bureau of Forensic Services envelope, clear plastic Kapak envelope, or approved container. The envelope and evidence label will be completely filled out with the required information, drug weight, package gross weight, item count (pills, etc.), chain of custody, and sealed. Bureau of Forensic Service envelopes will be sealed with department evidence tape. Each seal will be initialed by the impounding officer(s). All Kapak envelopes will be sealed with a heat sealer and have a self-adhesive evidence label attached. The packaging officer will then sign his/her name over the heat-sealed seam. Department evidence tape is not required on Kapak envelopes.

800.8.4 NARCOTICS AND DANGEROUS DRUGS

If possible, All drug evidence will be field-tested before sealing the envelope. The NIK test is the current approved field test. The field test results will be indicated in the body of the officer's report. Drug paraphernalia will be packaged separately from the actual drug material. Drug paraphernalia will not be packaged in Kapak envelopes. Only actual drug material will be packaged in Kapak envelopes. In cases where fresh, wet, damp drug material is placed into evidence, Bureau of Forensic Services envelopes will be used to prevent evidence degradation. Drug evidence and drug paraphernalia will be stored in a separate narcotic vault away from other non-drug evidence. Access to the narcotics vault will be limited to the evidence custodian. All drug evidence held within the narcotics vault will be audited quarterly. The audit will be conducted by the Chief of police or his/her designee. An independent audit shall be conducted annually by an outside agency. The Chief of police will contact the external agency to initiate the audit. An audit report will be filed with the evidence custodian.

Prescription Drug Medication: The prescription drug drop container shall be securely fastened to the floor in the front lobby area, where it can be monitored 24 hours a day. The prescription drug drop contained is designated for prescription pills and patches that citizens submit for destruction. No liquids, needles or illegal controlled substances shall be deposited into the container. The container is to be secured at all times. Keys for the container shall be secured in the officer of the Chief of Police and in the department's key lock box. The evidence custodian is responsible for regularly inspecting and removing the contents from the container and placing the contents into a bag and shall secure the bag with evidence tape, weigh the bag contents, document the weight on the prescription drug log, and place the bag in an area for future destruction with the ISP.

Whenever handling drugs in any form, universal precautions shall be used to prevent exposure to the drug and associated hazards. To mitigate exposure to dangerous drugs or unknown substances, employees shall utilize personal protective equipment that is provided for use in the booking room, including gloves and particulate masks when handling narcotics.

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Prior to packaging and weighing, and if the quantity allows, a presumptive test should be made on all suspected controlled substances. For officer safety, it is recommended that two parties be present. The result of this test shall be recorded in the booking officer's report. The test kit is not evidence and shall not be booked in. If a presumptive test was not completed, a reason shall be noted in the officer's report.

Officers shall remove drugs, and prescription pills, from the immediate container in which it was seized to be weighed and counted unless the item is already contained in a small plastic or foil package. Drugs shall be weighed to obtain the net drug weight with a minimal amount of packaging as charges are based on the net weight of the confiscated/seized drug. To safely contain the drug item(s), paper bindles are available for collection and packaging use. Photograph drugs collected for the case as needed, uploading them to evidence.com with an applicable retention period assigned relevant to the case.

All drug types shall be packaged and booked separately in vapor-resistant bags using a separate property tag. A scale printout shall be included in the packaging of the drugs with the net weight visible for audit purposes. The container that the drug(s) was initially seized in shall be considered drug paraphernalia and shall be booked independently from drugs under drug/narcotic equipment under "property" in the records management system, and whenever possible, sealed in vapor-proof bags as size permits.

Drugs shall be booked into the records management system under the DRUGS module in the RMS, recording the net drug weight, and the booking officer shall also record the net drug weight in their report. Descriptions entered shall be specific to the presumptive test for the drug. Pills shall include the number of pills for audit purposes, but the net drug weight shall be used to document the official quantity for entry purposes.

SYRINGES

Syringes or hypodermic needles will fall into one of the following categories:

- (a) Empty, new or used (Destroy using sharps container)
- (b) A sufficient amount to file charges (Booked in as evidence for prosecution)* see below

All syringes and hypodermic needles are required to be photographed.

*Syringes containing evidence for potential prosecution (suspected liquid control substance) shall be packaged in a department-provided puncture-resistant, leak-proof sharps container (tube) marked as "biohazard".

Prior to packaging and weighing any liquid suspected controlled substances, if quantity allows, a presumptive narcotics test should be conducted. This can be performed by placing a small drop of the suspected drug into the appropriate presumptive narcotics test. The result of this test shall be recorded in the booking officer's report. The test kit is not evidence and shall not be booked in. If a presumptive test was not completed, a reason shall be noted in the officer's report. The weight on any suspected liquid controlled substances will be recorded by its liquid net weight (milliliters-1ml=1/10gram, 1cc=1gm) in the officer's report.

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To mitigate exposure to dangerous drugs or unknown substances, employees shall use extreme caution if it is believed Fentanyl, a Fentanyl analog or some similarly dangerous product may exist. These items shall not be removed from the original container in which it was seized, nor shall they have a presumptive narcotics test performed on the substance. Items shall be double-bagged, ensuring that the heat seals are intact. Hazard labels are provided in the booking room and shall be placed on packages to alert staff members handling the item(s) while in custody at the department. When an item(s) are sent to laboratory testing/analysis, the presumed hazard shall also be clearly noted in the cover letter. If exposure occurs, you shall call for immediate medical attention. During the investigation, any device, equipment, or chemicals utilized during the manufacture and distribution of illegal drugs/narcotics poses an inherent risk and shall not be seized. Items shall be treated as "hazardous material" and not collected as evidence.

800.8.5 US CURRENCY AND ITEMS OF VALUE

All monies taken into custody will be counted, and a second officer or evidence tech will verify the amount. Monies will be placed in an approved envelope (Green BPD currency evidence envelope). Monies will be placed in an approved envelope listing the itemized contents and sealed. The envelope will be sealed with department evidence tape and initialed by the officers. The Evidence custodian will ensure the envelope is sealed with appropriate tape and initials, log it into RMS, and store it as outlined in the policy. The monies will then be temporarily stored in a vault/safe in evidence. The evidence tech with the chief of police will then, as outlined below, transfer the monies into the banking institution approved through Buhl City Council:

- (a) Monies \$0.00 - \$1,000.00 will be held into evidence for 20 days, including weekends, before being transferred to the Buhl Police Department financial institution.
- (b) Monies over \$1,000.00 will be transferred the following business day.
- (c) The evidence tech with the police chief will count, verify, and turn over monies to the city clerk, who will then transfer monies into the banking institution approved.
- (d) A receipt of the deposit will be entered into evidence, documenting the transaction.
- (e) Victims or suspects may reclaim funds by filing a claims voucher with the Buhl Police Department, which will process the voucher through Buhl City Hall. Checks in the amount deposited will be issued to the rightful owner.
- (f) Narcotic buy funds that need to be retained as evidence in a narcotics investigation will be held within the narcotics vault/safe.

U.S. currency shall be placed into a currency envelope. Each denomination shall be documented accurately on the envelope and appropriately signed/acknowledged by all parties. U.S. currency in excess of \$500 shall be counted by the booking officer in the presence of another employee, and both parties shall sign, initial, and place employee ID# on the item(s) packaging seal. A supervisor shall be notified for U.S. currency in excess of \$1000. The supervisor shall witness the count. The supervisor and the employee shall sign, initial, and place their employee ID# on the item(s) packaging seal. A supervisor may specify any additional security procedures to be followed if necessary. A property tag is not required. BWC, if issued, shall be activated during the booking

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and processing of all currency. If an employee is not issued a BWC, the currency will be counted and processed utilizing a video camera/surveillance system when available.

Foreign currency shall be booked separately from US currency with specific values stated on the currency envelope.

All items of apparent or legitimate significant value exceeding \$1,000 shall be inventoried in the presence of another employee, and both employees shall initial the package. Items with an estimated value in excess of \$2,000 shall be inventoried in the presence of a supervisor. The supervisor shall witness the inventory, initial and date the property documentation, and specify any additional security procedures to be followed.

COUNTERFEIT MONEY

Recovered counterfeit bills brought in as evidence are not considered currency. This evidence is sent to the U.S. Secret Service by the Evidence Technicians. Employees shall take a photograph of the counterfeit bills. Property and Evidence shall scan counterfeit bills and attach them to the RMS before sending them. The Secret Service Report, once sent back to the department, will be scanned to the case file. The Treasury Department has a six-month retention period for the original item before destruction.

Counterfeit bills are not packaged in a money envelope but should be packaged in a plastic bag for viewing and copying purposes. To aid in identification, counterfeit pens and a blacklight are available for use in the property booking area.

800.8.6 FIREARMS AND AMMUNITION

All weapons seized will be "made safe" prior to storage in evidence. "Make Safe" shall be defined as: All weapons will be unloaded by removing any bullets in the cylinder, chamber, and/or magazine of the weapon. Whenever the weapons cannot be made safe, one of the department armorers will be notified to respond to clear and make the weapon safe. Each weapon will have its own evidence tag affixed securely listing the case number, make, model and serial number if available and owner information.

- (a) All weapons will be stored within a locked area within the evidence room. Keys will be maintained by the evidence personnel.
- (b) All firearms seized as evidence entering the evidence room will be held for a minimum of thirty (30) days. During that 30-day period, a weapons trace will be conducted through BATFE. Weapons traced that come back as registered to another party will be held pending notification of the registered person via U.S. Mail. Questionable ownership will be verified through reasonable documentation of the purchase and affidavit of ownership. Evidence personnel shall contact Alcohol, Tobacco and Firearms (ATF) on any firearms seized from a person prohibited under federal law from lawfully possessing the firearm to ascertain if ATF will pursue federal weapons charges. In cases where the ATF will pursue federal charges, evidence personnel shall provide to the ATF case information and place a hold on the firearm. When the ATF will not pursue federal weapons charges, the case is adjudicated and the firearm can lawfully be released to another person; the prohibited person may relinquish ownership

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of said firearm(s) to a person that is not prohibited from possessing a firearm or release the firearm to the City of Buhl to be auctioned or sent for destruction.

- (c) All firearms seized only for safekeeping will be logged into evidence as any other weapon and a weapons trace shall be conducted through the ATF. These weapons will be returned to the owner at a time determined to be appropriate by the evidence tech.
- (d) Weapons sized or kept for "Safe keeping" will be documented on a "property invoice sheet".

Employees are responsible for the safe handling of all firearms, to include BB, pellet and airsoft guns, and for properly packaging recovered firearms. The firearm shall be rendered visibly safe and unloaded, and the word "SAFE" shall be notated on the firearms box. The booking officer shall notify the shift supervisor for assistance if the firearm cannot be unloaded or rendered safe. Any special handling instructions shall be noted on the firearm container.

Firearms shall be booked into RMS and descriptions shall include as much relevant data as possible at intake entry. Employees shall also record the following mandatory information from the firearm into RMS:

Employees shall record the following information from the firearm:

Type (e.g., pistol, revolver, rifle, shotgun)

- (a) Make
- (b) Model
- (c) Serial number (if defaced or unreadable, note as such)
- (d) Caliber

An empty magazine shall be placed and secured into the firearms box with the firearm, and this action documented in case report narrative and item description. If multiple magazines are collected, the primary magazine for the weapon needs to be the one selected to be packaged in the firearms box, and the others booked separately. Exceptions can be made when trace evidence (i.e., DNA, latent fingerprints, etc.) can reasonably be located.

The booking officer shall complete a records check through NCIC/CCIC on all serialized firearms and include a copy of the NCIC/CCIC records check in the plastic sleeve provided on the firearms boxes when secured in the locker. The booking officer shall complete a work request to Records in the RMS to show the weapon is in custody at the Buhl Police Department.

Ammunition will be booked in separately and not packaged with the firearm. Generally, no other items should be placed inside a gun box with the firearm. Exceptions may include magazines, scopes, slings, and other accessories attached to the firearm.

Before sealing the firearm in an evidence box, photographs of the firearm shall be taken, including a clear picture of the serial number.

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800.8.7 KNIVES AND BLADED WEAPONS

The booking officer is responsible for the safe handling of all knives or bladed weapons that have an exposed blade that cannot be folded or closed and for properly packaging recovered knives or bladed weapons.

800.8.8 IMPOUNDING EVIDENCE AND EVIDENCE INSPECTIONS/AUDITS

The Evidence Tech receiving custody of evidence or property shall record his/her signature on the chain of custody and enter the date the property was received and where the property will be stored electronically in the evidence program.

- (a) The Property/Evidence personnel shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in compliance with established Department policy.
- (b) Each time an officer receives property or releases property to another person, he/she shall enter this information in the chain of custody and into EFORCE. Officers desiring property for court shall contact the Evidence Tech at least three days prior to the court day.
- (c) Each receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purpose, of for court, shall be noted in the chain of custody and EFORCE. The evidence tech shall obtain the signature of the person to whom the property is released, and the reason for the release. Any employee receiving property shall be responsible for such property until it is properly returned back to evidence or released to another authorized person or entity. The return of the property should be recorded on the chain of custody and in EFORCE.
- (d) The Property/Evidence personnel shall be responsible for developing and maintaining a master file of all evidence invoices and evidence tags completed. This file may be manual or automated.
- (e) Bi-annual audits of the evidence room shall be conducted by the Chief of Police or designee.
- (f) An annual audit of the entire evidence area shall be conducted by an out side agency, Chief of Police or Designated person who is not part of the property control function.
- (g) A complete inventory matching current records against a current physical inventory of property whenever the person responsible for the property and evidence control is replaced for whatever reason. The newly assigned evidence tech and a member of the department administration shall conduct the process jointly.
- (h) The Chief of Police may at his discretion conduct unannounced periodic inspections of the evidence storage area.
- (i) The narcotics vault and narcotic training aids shall be inspected and audited on a quarterly basis. An annual audit of the narcotics vault, including the narcotics training aids, shall be conducted by an outside agency.
- (j) All Audits should be documented in a report and kept on permanent file with the Chief of police.

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800.8.9 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. The Twin Falls Police Department Bomb Squad is the agency of first preference when handling calls-for-service involving suspected explosive devices.

Explosives, flammable liquids, hazardous materials, road flares or similar signaling devices, and fireworks (regardless of make and type) will not be retained in the main police facility. All such items shall be stored in proper containers and in an off-site, secure area at the City of Buhl Armory designated for the storage of flammable and/or hazardous materials. The property officer is responsible for ensuring that any fireworks, flammable liquids, hazardous materials, or signaling devices that are not retained as evidence are properly destroyed.

800.8.10 EXCEPTIONAL HANDLING

Certain property items require unique handling or a separate process. The following items shall be processed in the described manner

BIOLOGICAL EVIDENCE

- (a) Sexual assault examination (SANE) kits shall be booked in as evidence and secured in a designated secured storage locker.
- (b) Sexual assault evidence that requires forensic examination, including SANE kits, shall be submitted to the ISP within twenty-one (21) calendar days.
- (c) Blood and urine kits shall be booked in as evidence and secured in the designated secured refrigerated locker.
- (d) Biological evidence, such as blood, saliva, sperm, hair, tissue, bones, teeth, or other bodily fluids that may contain a DNA profile, shall be collected, packaged, and stored in accordance with the PNESOP. Employees shall follow proper evidence-handling protocols to avoid contaminating or cross-contaminating such evidence during collection and handling.
- (e) Any evidence collected as DNA evidence should be properly packaged and marked as a biohazard to reduce the risk of exposure or contamination.
- (f) Items that are potential biohazards shall be properly packaged and marked as a biohazard to reduce the risk of exposure or contamination.
- (g) Wet property or property stained with bodily fluids such as blood or semen shall be air-dried prior to packaging.

LICENSE PLATE(S)

- (a) Only license plates that require forensic lab processing for trace evidence should be booked into RMS as evidence. License plates are not returned to owners, so, therefore, shall not be booked in as safekeeping or found. License plates that are not evidence should be placed in the designated container in booking for final destruction.

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- (b) Stolen and recovered license plates shall be photographed and uploaded to evidence.com with the appropriate category and retention period for use in prosecution, and the photograph of the plate will be the evidence. A Records work request shall be completed to place the item(s) in NCIC/CCIC.

BICYCLES

- (a) All Bicycles and bicycle frames or wheels that are required to be booked in shall have property tags placed into/onto a plastic bag and then securely zip-tied to the frame. It shall be clearly noted if the bicycle needs to be processed as there is not a secure area where a bike can be placed at intake. The serial number must be entered into the case record for reference. Employees must complete a "Work Request" for Records to input into NCIC/CCIC. If the case would benefit from a photograph, upload it to eForce, categorize it appropriately to ensure appropriate retention.

PERISHABLE

- (a) Perishable items shall not be booked in. These items shall be photographed and destroyed by the booking officer.

SHARPS

- (a) Sharps, such as syringes, hypodermic needles, or razor blades, shall not be booked in unless the item contains evidentiary material or trace evidence. The booking officer shall photograph and dispose of the items in the designated sharps container.

MULTIPLE OWNERS

- (a) Absent any other special handling requirements, multiple property items with more than one owner shall not be booked in as one item.

CITY PROPERTY

- (a) City property, unless connected to a known criminal case as evidence, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked in for safekeeping in the normal manner.
- (b) The medication collection receptacle in the lobby of the Buhl Police Department will be operated by the Evidence Technician.

800.8.11 HAZARDOUS MATERIALS

1. Hazardous waste products will not be held unless special circumstances exist. This will be based on the need for such evidence and the requirements needed for safe storage of waste products. Contact the evidence tech for advice on packaging and storage.
2. Hazardous chemical and waste products relating to drug laboratories, but not limited to, will not be held without the approval of the Chief of Police, or unless special circumstances exist. Officers should contact the Idaho State Police Hazardous Materials unit for assistance.

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3. All biological material (blood kits, urine kits, rape kits, or blood-stained clothing or material) will be secured in the appropriate State approved containers. Items submitted by officers shall be placed in the refrigerator provided in the temporary evidence area. Bodily fluids such as blood or semen stains shall be air-dried before booking into evidence.
4. No flammable material will be stored at the Buhl Police Department.

800.8.12 ALCOHOL AND OTHER LIQUIDS

Opened or sealed containers of alcohol or liquids shall not be booked in due to the risk of the destruction of other evidence if they break or leak. A small sample may be retained for evidentiary purposes. The remaining contents should be disposed of in an appropriate manner by the booking officer. The condition of the container and its contents will be described in the employee's report. In the rare exception in which the evidence is necessary for prosecution, the booking officer shall photograph the alcohol, retain one single unopened container, and destroy the remainder in accordance with policy.

800.8.13 AUDIO AND VIDEO RECORDING

All audiotapes, CDs/DVDs', USB Drives (jump-drives), micro cassette tapes, etc., will be placed in an appropriate-sized envelope with the Department evidence tag attached to the envelope.

800.8.14 DIGITAL PHOTOGRAPHY EVIDENCE

All compact flash cards, compact discs (CDs), computer discs, etc., from Department cameras used to record photographs, will be uploaded into the Buhl Police Department RMS system. If an officer cannot upload photographic evidence, an evidence envelope will be completed, and the card and/or disc will be placed inside. It shall be placed in an evidence locker for storage/safekeeping. Officers shall use department-issued cameras to take photographs or videos of crime scenes, auto accidents, or other incidents in which they are involved as part of their official duties. Officers may take photographs or video recordings of crime scenes, auto accidents, or other incidents in which they are involved as part of their official duties with personally owned cameras or cell phones if:

- (a) Department-issued cameras are not readily available.
- (b) Evidence will be destroyed, contaminated, or otherwise lost if not photographed or filmed immediately.
- (c) Officers who photograph or video crime scenes, auto accidents, or other incidents as part of their official duties with a personally-owned camera or cell phone must treat that photographic evidence as if it were obtained using the department-owned camera.
- (d) Officers who photograph or video crime scenes, auto accidents, or other incidents with a personally owned camera or cell phone as part of their official duties are prohibited from keeping the photographs or videos.

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800.8.15 LATENT FINGERPRINT CARDS

All latent fingerprint cards submitted into evidence will be placed in a small Bureau of Forensic Service envelope. All envelopes will be filled out. This will include the case number, description of evidence, location found, suspect and victim's full name, date received, and the officer who collected the evidence. It will also include the chain of custody.

800.8.16 COMPUTERS AND OTHER DIGITAL EVIDENCE

When seizing a computer, personal communications device (PCD's), digital cameras, digital recorders, and other electronic devices that are capable of storing digital information, the steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for internet access.
- (b) If the computer is off, DO NOT turn it on.
- (c) If the computer is on, DO NOT shut it down normally and do not click on anything or examine any files.
- (d) Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
- (e) Disconnect the power cable from the back of the computer box.
 - (a) Label each item with the case number.
 - (b) Officers should document the following in related reports:
 - (a) Where the computer was located and whether or not it was in operation.
 - (b) Who was using it at the time
 - (c) Who claimed ownership?
 - (d) If it can be determined, how it was being used.

In most cases, when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (Hard drives, tape drives, and disk drives) should be seized along with all media. If an examination of the contents of the computer's hard drive, floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer or a copy of the search warrant authorizing the search of the computer hard drive for evidence relating to the investigation.
- (c) A list of the items to search for (e.g., photographs, financial records, e-mail, documents)
- (d) Digital storage media, including hard discs. Floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

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- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access, or open digital files before submission. If the information is needed for immediate investigation, request the Property and Evidence Bureau to copy the contents to an appropriate form of storage media.

Personal communication devices such as cell phones, PDAs, or other hand-held devices connected to any communication network must be handled carefully to preserve evidence on the device, including messages, stored data, and/or images. Officers should not attempt to access, review, or search the contents of any such devices known to contain evidence before the approval of the department's evidence tech or examination by forensic experts. Do not turn the device on or off. When seizing the device, also seize the charging units.

800.8.17 PRESCRIPTION DRUG MEDICATION DROP OFF BOX

The Evidence Technician will operate the Medication Collection receptacle in the lobby of the Buhl Police Department. The prescription drug drop container shall be securely fastened to the floor in the front lobby area, where it can be monitored 24 hours a day. The prescription drug drop contained is designated for prescription pills and patches that citizens submit for destruction. No liquids, needles, or illegal controlled substances shall be deposited into the container. The container is to be secured at all times. The keys to the container shall be secured in the office of the Chief of Police and the department's key lock box. The evidence custodian is responsible for regularly inspecting and removing the contents from the container and placing the contents into a bag and shall secure the bag with evidence tape, weigh the bag contents, document the weight on the prescription drug log, and place the bag in an area for future destruction with the ISP.

800.8.18 SHARPS

Sharps, such as syringes, hypodermic needles, or razor blades, shall not be booked in unless the item contains evidentiary material or trace evidence. The booking officer shall photograph and dispose of the items in the designated sharps container.

Syringes or hypodermic needles will fall into one of the following categories:

- (a) Empty, new or used (Destroy using sharps container)
- (b) A sufficient amount to file charges (Booked in as evidence for prosecution)* see below

All syringes and hypodermic needles are required to be photographed.

*Syringes containing evidence for potential prosecution (suspected liquid control substance) shall be packaged in a department-provided puncture-resistant, leak-proof sharps container (tube) marked as "biohazard".

800.8.19 CONTROLLED SUBSTANCE LIQUIDS

Prior to packaging and weighing any liquid suspected controlled substances, if quantity allows, a presumptive narcotics test should be conducted. This can be performed by placing a small drop of the suspected drug into the appropriate presumptive narcotics test. The result of this test shall be recorded in the booking officer's report. The test kit is not evidence and shall not be booked

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in. If a presumptive test was not completed, a reason shall be noted in the officer's report. The weight of any suspected liquid controlled substances will be recorded by its liquid net weight (milliliters-1ml=1/10 gram, 1cc=1gm) in the officer's report.

To mitigate exposure to dangerous drugs or unknown substances, employees shall use extreme caution if it is believed Fentanyl, a Fentanyl analog, or some similarly dangerous product may exist. These items shall not be removed from the original container in which they were seized, nor shall they have a presumptive narcotics test performed on the substance. Items shall be double-bagged, ensuring that the heat seals are intact. Hazard labels are provided in the booking room and shall be placed on packages to alert staff members handling the item(s) while in custody at the department. When an item(s) is sent to laboratory testing/analysis, the presumed hazard shall also be clearly noted in the cover letter. If exposure occurs, you shall call for immediate medical attention. During the investigation, any device, equipment, or chemicals utilized during the manufacture and distribution of illegal drugs/narcotics poses an inherent risk and shall not be seized. Items shall be treated as "hazardous material" and not collected as evidence.

800.8.20 CONTROLLED SUBSTANCES

- (a) Controlled substances shall not be packaged with other property, but shall be processed separately using a separate property form.
- (b) The member processing controlled substances shall retain such property in their possession until it is weighed, packaged, tagged, and placed in the designated controlled substances locker, accompanied by the property control card and lab copy of the property form.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report.
 1. The member shall package controlled substances as follows:
 - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.
 - (b) Seal and initial the property envelope and cover the initials with cellophane tape.
 - (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).
 - (d) Write the GPW and then initial and date both the outside of the package and the property form.
- (d) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the property officer, the quantity shall be photographed and weighed.
 1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.

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2. Excess quantities should be stored or disposed of as required by law or directed by court order.
- (e) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The property officer shall monitor stored marijuana for growth of mold.

800.9 ACCESS TO THE EVIDENCE ROOM

Only members of this department authorized by the Evidence Tech may enter the evidence room. Only those listed below will be allowed a key to the Evidence room.

1. The Evidence Tech
2. The Evidence Tech assistant
3. The Chief of Police, who will maintain a separate key to the evidence room for the use in emergency only. (i.e. lost of key)
4. The Evidence tech may allow other personnel to enter the evidence room to assist in evidence entry and removal. No one is allowed in the evidence room unattended unless authorized by this policy. A log sheet will be maintained by the Evidence Tech of all personnel entering the evidence room.

800.10 RECORDING OF PROPERTY

The property officer receiving custody property shall ensure a property control card for each item or group of items is created. The property control card will be the permanent record of the property in the Evidence Room. The property officer will record on the property control card their signature, GPW if the package contains controlled substances, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property form, property tag, and the property control card. The property log shall document the following:

- (a) Property number
- (b) Case number
- (c) Property tag number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release, and disposal dates

Any changes in the location of property held by the Buhl Police Department shall be noted in the property log.

800.11 DESTRUCTION OR DISPOSAL OF PROPERTY

An authorized Detective Unit investigator or supervisor shall approve the destruction or disposal of all property held by this [department/office].

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All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the property control card and property log.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- (a) Weapons or devices declared by law to be illegal to possess
- (b) Controlled substances declared by law to be illegal to possess without a legal prescription

800.11.1 BIOLOGICAL EVIDENCE

The Evidence Room supervisor shall ensure that no biological evidence held by the [Department/Office] is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Sergeant

Biological evidence shall be retained for a minimum period established by law (Idaho Code 67-2919) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the [Department/Office] within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Sergeant.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigation Sergeant should be consulted, and the sexual assault victim should be notified.

800.11.2 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the property officer shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The property officer should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

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800.12 INSPECTION OF THE EVIDENCE ROOM

- (a) On a semi-annual basis, the supervisor of the property officer or the authorized designee shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Random, unannounced inspections and/or audits of evidence storage areas should be conducted as directed by the Chief of Police.
- (c) An annual audit of evidence held by this [department/office] shall be conducted by a Sergeant (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever the property officer is replaced, a complete inventory of all evidence/property shall be made by the newly designated property officer and an administrative staff member to ensure that records are correct, and all evidence property is accounted for.

800.13 LOST AND FOUND PROPERTY

Whenever any citizen notifies the Buhl Police Department of property that has been found, an officer will be assigned and an officer's report completed. The report will contain the property report listing the identity of the property found. Copies of any NCIC inquiries or records check made should be attached.

1. Upon the officer's response to a call for service regarding found property, the officer may, at their discretion, discard said property (leave the item at the location found) which:
 - (a) Has no evidentiary or monetary value; and/or
 - (b) Ownership cannot be obtained; and/or
 - (c) The item has been clearly discarded.
2. If at this time the officer deems the property meets the above criteria, they will state this on the officer report, as well as giving a brief description of the articles, and state that the items were left at the location and/or discarded.
3. Found property with no evidential values where ownership can be established, may be released to the owner without having to book the property into evidence. All reports and evidence tags will be completed prior to release. Owners will sign the back of the evidence tag upon release of the property by the officer. If the property cannot be returned by the officer prior to going off shift, the property will be logged into evidence.
4. The evidence tech will then log the property into evidence. Attempts will be made to locate the owner through review of previous and subsequent stolen property reports. Those items whose owners cannot be identified will be sold or destroyed according to the Idaho Code and Department policy.

800.14 LOST AND FOUND BICYCLES

Whenever an officer is dispatched to recover a found bicycle, one is brought into the station by private citizen or picked up by another City Department, the following procedure will be followed:

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- (a) The Officer Shall make every attempt to locate the owner.
- (b) The officer will complete a report and an evidence/property card listing the make, model, color, serial number, and description of the bicycle.
- (c) The officer will then take the "found" bicycle to the Buhl Impound yard (armory) and secure the bicycle.

800.15 RECORDING OF PROPERTY - CHAIN OF CUSTODY

The official record of property or evidence, upon receipt by the Property and Evidence Technician, shall be maintained in the Property and Evidence Management System (PEMS) (RMS) (EFORCE). Referred to as the RMS.

Each piece of property booked in shall have a unique property number, generated by the records management system, that the booking officer shall ensure is recorded on the property tag.

The property number on the property tag shall match the property number recorded for the item in the RMS. The RMS property record shall document the date received, case number, item description, and item storage location.

The Property and Evidence Technician receiving the property shall make the appropriate entry in the RMS to document the chain of custody. The Property and Evidence Technician will then store the items in an appropriate storage location and document the location of the property with each transfer of location or custody control. All changes in the storage location or custody control, whether internal or external, shall be noted in the RMS until the final disposition of the item.

800.16 PROPERTY CONTROL

Each time a Property and Evidence Technician receives or disposes of property, copies digital media, opens property containers for any reason (i.e., during evidence reviews), or releases/transfers property to another person or entity, the technician shall record this information in the RMS to document chain of custody. Notes can be made to the system for more detailed information and supporting documentation scanned to the case record. If documentation refers to the entire case, it should be scanned to the first case record; if it pertains to one item or a few items, it should be scanned to those individual case records.

The Property and Evidence Technician shall scan all documents related to the movement of property and evidence into the RMS to include Office of the District Attorney case closures and signed dispositions, internal investigations dispositions, case officer e-mails, and authorizations for full and partial releases of property and evidence.

Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Unit or released to another authorized person or entity.

800.16.1 RESPONSIBILITIES OF OTHER PERSONNEL

The submitting employee shall notify the evidence technician of any processing or lab analysis request on any evidence booked into Property and Evidence. The Evidence Technician shall be responsible for submitting any State Laboratory Request Forms and Cover Letters or completing

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any in-house processing. The Evidence Technician will transfer the requested item(s) to the appropriate State Lab.

800.16.2 TRANSFER OF EVIDENCE TO A CRIME LABORATORY

The Property and Evidence Technician shall be responsible for coordinating with the requesting employee, as needed, for the preparation, transfer, delivery, and/or pick up of evidence to/from an approved laboratory. The evidence technician will be responsible for completing the applicable external laboratory request forms and complying with applicable external laboratory request forms and complying with applicable laboratory's submission guidelines.

When evidence is picked up from a laboratory, the receiving person shall deliver the evidence to a Property and Evidence Technician or store it in an intake locker with any associated documents. In the event new evidence items are created by the laboratory, the person picking up that evidence shall be responsible for booking that evidence into the records management system under the current case number and completing a supplemental report documenting the receipt of new evidence.

800.16.3 TRANSFER OF EVIDENCE TO COURT

Any officer or investigator, who is subpoenaed to appear in court with case evidence, shall be required to notify an Evidence Technician of the specific request for evidence promptly. If an employee is subpoenaed for court and needs evidence, advance notice should be given to the evidence technician for the date required for court.

The officer or investigator will physically check-out the evidence from an Evidence Technician by signing an Evidence Receipt noting the reason, date, time, and signature, allowing extra signature spaces to ensure relevant information is collected to check items into court and return to the department when applicable for an accurate chain of custody.

The transporting and transferring employee shall ensure that all evidence being transferred to court is listed on the transfer manifest. Items that are transferred to court and not retained as an exhibit or in the custody of the court shall be returned to the evidence room or stored in secured temporary storage or intake locker with the transfer manifest and any associated documents by end of business on the same day.

The transporting/transferring employee shall provide an estimated time upon which the evidence shall be returned to the Property Room. Any employee receiving property shall be responsible for such property until it is returned to the evidence room or released to another authorized person or entity.

Evidence that is entered as a court exhibit or is in the custody of the court shall be signed for by an official court representative, and the receipt shall be returned to the evidence technician to ensure the chain of custody is updated.

Any firearm requested for the court will have a trigger lock placed on it by an Evidence Technician for safety reasons as other parties often handle them during court proceedings. One key will be

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provided to transporting/transferring employees, and the second key maintained by the evidence technician until the firearm is returned to the custody of the department.

Upon completion of the court trial proceedings, the transporting/transferring employee who checked out the evidence shall be responsible for transporting that evidence from the court back to the evidence room without delay and gathering signatures for the chain of custody from court personnel. The transporting/transferring employee must return the chain of custody documentation from court to Property & Evidence.

800.16.4 EXTERNAL MOVEMENT OF PROPERTY/EVIDENCE

Whenever property or evidence is transferred from the Property Room to an external location, to include locations within the Department, its destination and the person responsible for its safeguarding shall be tracked and monitored until the item(s) is returned unless that destination is a final location.

Property or evidence that is checked out to employees for investigative review or internal processing shall be returned to a Property and Evidence Technician or stored in secured temporary storage at the end of each business day.

Property or evidence that is checked out to other agencies for further investigation should remain with the receiving agency as a final disposition or location. The chain of custody shall reflect this disposition.

800.16.5 RELEASE OF PROPERTY

All reasonable attempts shall be made by the booking officer, prior to the property being booked in, or by the evidence technician after an item is booked in, to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

A Property and Evidence Technician shall release the property to the owner or finder upon valid identification and proper documentation if required, as presented by the owner or finder. A signature of the person receiving the property shall be recorded. After the release of all property and evidence from a common case, written documentation shall be maintained in the RMS for any future reference of the case. Upon release or other form of disposition, the proper entry shall be recorded in the RMS.

The authorized release of property to anyone other than the owner shall be made upon receipt of a written document, signed and notarized by the property owner, with the legal name, date of birth, and address of the person to whom the property is to be released, and a list of the items to be released by property number. The release authorization shall be signed by the Property and Evidence Supervisor or designee, and the items listed must conform to the property tag(s). Exceptions can be made with the authorization of the Property and Evidence Supervisor.

RELEASE OF PROPERTY TO A CRIME VICTIM

Property belonging to a crime victim shall be promptly released to the victim unless needed as evidence. Following a request from the victim, property no longer required as evidence shall be

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returned to the victim within five (5) business days unless the property is contraband or subject to forfeiture proceedings.

RELEASE OF PROPERTY TO FINDER

A finder of the property may claim found property if it has not been claimed by the owner within the time allotted. The finder must submit a written claim to the Chief of Police, or designee, requesting the transfer of ownership of the found property. If granted, the finder will be notified by the Property and Evidence technician and releasable property shall be transferred to the finder. Any property with personally identifiable information shall not be transferred to a finder. The found property shall not be transferred to any City employee.

Items with the capacity to contain media storage with the possibility of personal information are not eligible to be returned to a finder and will be appropriately destroyed, i.e., computers, tablets, phones, cameras, video equipment, external storage drives, etc.

SENDING PROPERTY TO AUCTION

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of thirty (30) calendar days. Property not held for any other purpose and not claimed within thirty (30) calendar days after proper notification (or receipt, if notification is not feasible) may be auctioned at a properly published public auction, or diverted for governmental or Departmental use.

Items with the capacity to contain media storage with the possibility of personal information are not eligible for auction and will be appropriately destroyed, i.e., computers, tablets, phones, cameras, video equipment, external storage drives, etc.

All sale proceeds, less any applicable storage, maintenance, advertisement, and sale costs, shall be deposited into the City's General Fund.

If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented in the PEMS.

800.16.6 DIVISION OF PROPERTY

To request a diversion of property, a memo articulating justification for the diversion shall be completed by a Commander and submitted through the chain of command for final approval by the Chief of Police. Approved diversions shall be delivered to the Property and Evidence Unit to document the disposition of the property. Property is not eligible for diversion until after all attempts, in accordance with Department policy and procedure, have been made to notify the property owner. Property diverted to the Department shall not be used for personal use or gain. Diverted property that is not readily expendable shall be tracked as a Department asset and documented if issued to an employee

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800.16.7 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the legal owner. Such property may be released from law enforcement custody when the following is satisfied

- (a) Photographs of the property are filed and retained by the Property and Evidence Section.
- (b) Satisfactory proof of ownership is shown by the owner.
- (c) A declaration of legal ownership is signed under penalty of perjury.
- (a) If a defendant has been filed upon, he/she has been notified that such photographs, video tapes or films have been taken, recorded or produced.
- (b) A receipt for the property is obtained from the owner upon delivery.

800.16.8 DISPUTED CLAIMS TO PROPERTY

In the event that more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established, such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

800.16.9 DOCUMENTATION

In the event that more than one party may claim an interest in the property being held by the department, and the legal rights of the parties cannot be clearly established, such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

800.17 DISPOSITION OR DESTRUCTION OF PROPERTY & EVIDENCE

All property and evidence not held as evidence in a pending criminal investigation or proceeding and held in excess of time prescribed for retention, whereby the owner has not been located or fails to claim the property, may be disposed of upon receipt of proper authorization.

The evidence technician initiates a request to the relevant stakeholders for a disposition or status on all property and evidence that has been held in excess of time prescribed in the RMS for the retention, and to which no case disposition has been received from a supervisor, case officer, or prosecuting attorney.

Items of property and evidence that are of no value and no danger to the public may be disposed of in the trash. All efforts need to be taken to ensure property going into the trash is rendered useless. Ownership markings or names should be removed before disposal, along with any case information.

Biohazards and other hazardous materials must be destroyed in compliance with laws, regulations, and procedures.

Upon any destruction, diversion, release or sale of any property, the proper notation shall be made in the RMS reflecting the true disposition of the property. Proceeds from the sale of unclaimed

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property shall be deposited into the City's General Fund, minus reimbursement for Department expense.

800.17.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by Property and Evidence Unit's policy and procedure, existing laws or by a court of competent jurisdiction:

- Weapons declared by law to be unlawful
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics/paraphernalia
- Unclaimed, stolen or embezzled property
- Destructive devices
- Items with the capacity to contain media storage such as personal information

800.18 RETENTION AND DISPOSITION OF DNA EVIDENCE

The Property and Evidence Unit technicians/supervisor will work with the Investigations Division detectives and supervisors, along with the Administrative Bureau Commander, to ensure all relevant DNA evidence cases are appropriately disposition.

The Property and Evidence Unit supervisor shall ensure that no DNA evidence held by the Department is destroyed without receiving a formal disposition letter from the prosecuting District Attorney's office.

DNA evidence shall be retained for a minimum period established by law, or the expiration of any sentence imposed related to the evidence, whichever time period is greater.

DNA evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the prosecuting office of jurisdiction.

DNA evidence from an unsolved sexual assault should not be disposed of.

SUFFICIENT SAMPLE PRESERVATION

DNA evidence that is subject to preservation shall be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence.

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If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, a qualified technician or investigator shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

800.19 INSPECTION OF THE PROPERTY AND EVIDENCE SECTION INSPECTION

An inspection is a careful and critical examination, a formal review of all components of a particular requirement, and an analysis of their application related to the department's property/evidence room. The Chief of Police and/or Administrative Commander or his designee shall perform these inspections annually.

The inspection may include some or all of the following areas: security, access control, missing evidence, retention review dates/tickler files, organization, a partial examination of records, general cleanliness and housekeeping of the area, inventory levels, safety practices, training, etc.

AUDIT

An audit is a documented official inspection of the Property and Evidence Room operational systems by randomly selecting items for review. Audits provide a method to evaluate the process and internal controls over the intake, storage, securing, safeguarding, and disposition of property and evidence.

In conjunction with the supervisor and staff of the Property and Evidence Room, a minimum of once-a-year audit of the Property and Evidence Room shall be conducted with a department member. In the year this audit does not take place, a full unit inventory will be performed under the parameters outlined in this policy; a second audit of all high-risk items (firearms, drugs, money, and valuables) will be conducted in this calendar year by the Property and Evidence tech. The findings of this audit will sent for review through their chain of command. All inventory and audit logs will be saved on the Property and Evidence Room shared drive for reference.

The Chief of Police may direct additional audits or inventories to be completed as necessary.

During the audit process, all firearms, drugs, money, and valuables shall be audited. These items will also be audited before destruction, final disposition, or deposit into the City's general fund.

The table below has been developed as a tool for use by the Buhl Police Department when determining the appropriate sample size for conducting an audit of property/evidence in the Property and Evidence Unit. This table shall be used to develop a sample size for the total count of property/evidence (minus high-risk) stored in the department's custody.

The sample sizes in this table have been calculated based on a 95 percent confidence level and a confidence interval of +/- 3 percent. The Property and Evidence Room should determine the total amount of "Total items of Property/Evidence" minus the high-risk items. The corresponding

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"Required Sample Size" should be applied when conducting the respective audit. If the exact number for items of property/evidence is not listed, the next higher number should be used.

If an error rate of more than 4 percent is discovered when conducting the audit, a complete inventory of all the property must be performed.

Total items of Property/Evidence	Required Sample size
100	92
250	203
500	341
1,000	516
1,500	624
2,000	696
2,500	748
3,000	787
3,500	818
4,000	843
4,500	863
5,000	880

A comprehensive audit may include:

- The department policies, directives, and procedure manuals comply with legal requirements and best practice
- The department personnel are complying with the agency's written policies and procedures
- All paperwork authorizing and documenting the release of evidence is in order
- All items examined to adhere to the department packaging standard
- An examination of the condition of the storage facilities

INVENTORY

An inventory is an accounting of all items of property/evidence in the custody of the department. An inventory of all general property and evidence in the Property and Evidence Room will be conducted every year.

An inventory process should be conducted in its entirety, beginning and ending in the same calendar year. This process accounts for and verifies all items in the property/evidence storage facility. A perpetual process can be conducted for the property/evidence storage facility. This process is where the property/evidence facility is sectioned off at the beginning of a calendar or fiscal year, and each section is inventoried throughout the year until the entire property/evidence facility and its contents are accounted for and verified by year's end.

All firearms, drugs, money, and valuables will be inventoried during this calendar year. In addition to this inventory, the high-risk items will be audited by the property and Evidence Unit's supervisor

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and staff. The findings of this inventory will be forwarded through their chain of command for review. All inventory and audit logs will be saved on the Property Evidence Room shared drive for future reference.

Whenever there is a change of key-holding personnel who have controlled access to the Property and Evidence Unit or a permanent change in the Chief of Police, a modified inventory of property and evidence shall be made by an individual not associated with the Property and Evidence Unit or function to ensure that records are correct and all inventoried evidence and property is accounted for.

Significant case evidence that will be held for an indeterminate or long-term basis will be inventoried using the two-person rule and sealed for optimal preservation. If any item(s) need to be removed from sealed inventory, it shall be done using the two-person rule and again inventoried before resealing.

Any item(s) identified as missing/lost should immediately be brought to the attention of the Property & Evidence supervisor/manager, who will notify the Chief of Police in writing. Based on the circumstance surrounding the missing item(s), along with the value (both evidentiary and monetary), a determination by the chain of command shall determine whether or not to initiate an internal investigation.

Once a determination has been made on the missing/lost item(s), an administrative notation will be made in the RMS annotating the outcome of the item(s), preventing the recurrence of the same issue being identified as missing in any future inventory.

ADMINISTRATIVE PURGE

At times, the department may need to utilize an administrative purge process in the event the department's Property and Evidence inventory contains items too old to be of value. This can be due to past management practices and/or staffing issues, as well as lagging dispositions from the District Attorney's office.

When considering an administrative purge, the risk to the organization should be considered but is sometimes the only alternative to addressing the problem in a timely and effective manner.

The Administrative Commander for the Property and Evidence Room should initiate the administrative purge request with a written memorandum requesting to dispose of specific categories of evidence through the chain of command. This order should be specific as to the classifications of evidence covered, e.g., "all misdemeanors cases over 'X' months old, without a related arrest warrant, will be destroyed/released. All "designated felony property crimes that are beyond the 'X' period of time and/or never be investigated" will be destroyed/released.

Particular attention should be given to prevent the administrative purge process of any evidence in crimes against persons and sex-related crimes. This caution is necessary due to the high risks associated with these cases and statutes regarding the retention of DNA evidence. If necessary, the appropriate prosecutor should review the suggested parameters of the administrative purge request.

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An administrative purge is supported as a best practice for Property and Evidence Unit management in situations when the department needs to maximize space overcrowded with inventory items of little or no value. The Chief of Police, at his discretion, can authorize an administrative purge and has the final authority to approve what the process will be.

DOCUMENTATION

The date and results of all inspections, audits, or inventories shall be documented and forwarded through the chain of command to the Chief of Police via official memorandum and maintained as a Department record in accordance with records retention guidelines. These memorandums will be completed within ten business days of completing all inspections, audits, or inventories.

A. PERIODIC REVIEW OF THE PROPERTY & EVIDENCE POLICY

The Chief of Police or his designee will ensure that a periodic review of the Property & Evidence policy manual will be reviewed and updated as necessary. As State, Municipal, and Federal laws change, these changes could impact the Property & Evidence Room. The Property & Evidence Supervisor will ensure that any requested changes will follow the chain of command as outlined in the policy.

800.20 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon. Upon verification, the person may provide proof of ownership for the firearm or a reasonable expectation of presumed ownership based on the case information and investigation and request the release of the firearm.

In the event the owner of the firearm is not eligible or unwilling to receive the firearm, the owner may elect to transfer ownership of the firearm to a third party.

The Property Evidence Unit may release a firearm and/or ammunition to a third party under the following circumstances with a signed and notarized "Authorization / Affidavit to Release Firearm(s) to Another Party":

Suppose the third party does not meet the above parameters. In that case, the original owner must use a Federal Firearms License (FFL) holder to manage the transfer of the firearm and provide all the necessary documentation and information to the Property and Evidence Room within thirty (30) calendar days of receipt of notice by the Property and Evidence Unit. The owner will be required to provide a signed and notarized "Authorization / Affidavit to Release Firearm(s) to a Federal Firearms Licensed Dealer." The Department is not responsible for costs related to the transfer of ownership or the shipment or delivery of the firearm to the FFL.

Firearms that are legally seized as evidence, found property, or safekeeping shall be retained for a minimum of five (5) business days for processing and clearance before being released to the rightful owner. A Chief of Police has the discretion to authorize a firearm to be released before the five (5) business day minimum. Any release of a firearm will be in accordance with Department policy.

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800.21 POLICY

It is the policy of the Buhl Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

800.22 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property in the custody of this [department/office]. A property officer shall be appointed by and will be directly responsible to the Investigation Sergeant or the authorized designee. The property officer is responsible for the security of the Evidence Room.

800.22.1 REFUSAL OF PROPERTY

The property officer has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property officer refuse an item of property, the property officer shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Evidence Room.

800.22.2 KEY CONTROL

Evidence Room keys should be maintained by the property officer and members assigned to the Evidence Room. An additional set of keys should be kept in a sealed and initialed envelope in an after-hours key box. Evidence Room keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Evidence Room key is lost, all access points shall be re-keyed and new keys issued as necessary. After-hours access to the Evidence Room via the additional set of keys must be documented in a memorandum and submitted to the Investigation Sergeant as soon as practicable.

800.22.3 ACCESS

Only authorized members assigned to the Evidence Room shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance, repair contractors) must be approved by the Investigation Sergeant and accompanied by the property officer. Each individual must sign the Evidence Room access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying [department/office] member.

800.23 RELEASE OF PROPERTY

The Detective Unit shall authorize the release of all property coming into the care and custody of the [Department/Office].

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator and must conform to the items

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listed on the property control card or must specify the specific items to be released. Release of all property shall be documented on the property control card.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Evidence Room members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented on the property control card.

A property officer shall release such property when the owner presents proper identification, and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the property control card.

If any item listed on a property control card has not been released, the property control card will remain with the Evidence Room. When all property listed on the card has been released, the card shall be forwarded to the Records Section for filing with the case, and the release of all items shall be documented in the property log.

800.23.1 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this [department/office], and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this [department/office] should be contacted.

800.23.2 DISCREPANCIES

The Shift Supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding their property. The Shift Supervisor will interview the person claiming the shortage. The Shift Supervisor shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

800.24 PRESCRIPTION DRUG DISPOSAL PROGRAM

Should the [Department/Office] participate in the prescription "drug take back program" for the collection, storage, and disposal of unused or expired prescription medications from the community, the [Department/Office] should utilize a two-person process for the collection and accounting of the prescription drugs.

The members collecting the prescription drugs will process and package the items as follows:

- (a) Place the contents in a plastic, leak-proof bag, place the bag inside a cardboard box, and immediately seal it with tape.

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- (b) Sign and date each member's name over the seal of the container.
- (c) Weigh the container.
- (d) Complete the necessary documentation for the submission of the collected prescription drugs to the Evidence Room, including a notation of the container's weight.

The property officer should maintain records relating to the prescription drug disposal program, to include the release or transfer of the collected items to the Drug Enforcement Administration collection point or other authorized disposal location.

Records Section

801.1 PURPOSE AND SCOPE

The Records Manager and Chief of Police shall maintain this department's Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and Procedures that apply to all employees of this department are contained in this chapter.

801.2 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state and federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including FI cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, and accessible only by authorized members of the Records Section. Access to case reports or files when Records Sections staff in not available may be obtained through a supervisor.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

801.3 PERSONAL IDENTIFYING INFORMATION (PII)

Members shall not access, use or disclose personal identifying information (PII), including an individual's photograph, social security number, driver's license or identification card number, name, address, telephone number, employment information, or medical/disability information that is contained in any driver license record, motor vehicle record, or any department record or database except as authorized by the department and only when such use or disclosure is required to carry out a legitimate law enforcement purpose.

801.4 RESPONSIBILITIES

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training and evaluating Records Section staff.
- (d) Ensuring compliance with established policies and procedures.
- (e) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (f) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides

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2. Officer Involved Shootings
 3. Cases involving department members or public officials
 4. Shared System (other Departments) members
 5. Any case where restricted access is prudent.
- (g) Maintaining a records management system for case reports.
1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.
- (h) Entering case report information into the records management system.
1. Modification of case reports shall only be made when authorized by a supervisor.
- (i) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (j) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (k) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (l) Identifying missing case reports and notifying the responsible member's supervisor.

801.5 POLICY

It is the policy of the Buhl Police Department to maintain department records securely, professionally and efficiently.

Records Retention

802.1 PURPOSE

The purpose of this policy is to provide guidance for agency personnel for the destruction of a variety of police department records. Pursuant to Idaho Code I.C. §50-907 Classification and Retention of Municipal Records-defining semi-permanent/permanent records and the appropriate timelines for destruction. The Office/Records Manager shall maintain the department's Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section, Policies and procedures that apply to all employees of this department are contained in this chapter.

802.2 RECORDS RETENTION SCHEDULE

Beginning in 2022, all misdemeanor and officer reports with all attachments will be scanned into the Records Management System (RMS/EFORCE) and Desk top "Shared Drive" folder electronically, which will allow for destruction of hard copy files. Files excluded would be those listed as keep indefinitely.

802.3 ARREST REPORTS

These are forms used to report arrests made by the police. They usually include complete information and description of person arrested, date, time of arrest, charges, description of offense, list of witnesses, and name of officer(s) making arrest.

Retention: Destroy upon completion of scanning.

802.4 ACCIDENT REPORTS

These records document a traffic accident investigation by the Police Department. The report usually includes complete information on all vehicles and drivers involved in the accident, location of accident, damage, cause of accident, and weather conditions. A copy of a traffic accident report is forwarded to the Idaho State Department of Transportation if damages exceed \$1,500.00 or injury or death occurs. These records also may contain walk-in accident reports in which no police investigation is involved.

Retention: Retain for five (5) years and then destroy.

802.5 CASE FILES

Case files are created as a result of a complaint or other action being investigated by the Police Department. They are the central case files for all cases handled by the agency. Case files are usually filed numerically by case number. These files may include the investigative reports, original arrest report, supplemental reports, copies of warrants, photographs, correspondence, court orders, officer's notes, pertinent laboratory tests, copies of booking sheets and arrest reports.

Case files also contain case reports, which are reports of crimes and other cases for police response. They contain all information as to the "who, what, when, where, why and how" of reported incidents. They are used for departmental information, follow-up investigation, and

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statistics. The supplemental and continuation reports are used to provide additional information concerning a police investigation.

Retention:

- Misdemeanor Cases: Destroy upon completion of scanning case file.
- Felony Cases: Destroy upon completion of scanning case file.
- Homicide Cases: Retain indefinitely due to appeals process or further investigation.
- Sex Abuse Cases: Retain indefinitely due to flexible statute of limitations.
- Fatal Traffic Accidents: Retain indefinitely.
- Suicide or Accidental Death: Retain indefinitely.
- Unattended Death Reports: Retain indefinitely
- Missing Person Cases: Retain until victim is found and case is closed.
- Information Reports: Destroy upon completion of scanning documents, unless listed above to retain indefinitely.
- Major Fraud cases: Retain until case has been adjudicated, then destroy upon completion of scanning case file.
- Expunged or Sealed records: Retained permanently
- Stolen or Missing Firearms: Retain until located.

802.6 CRIMINAL HISTORY DISSEMINATION LOGS

These logs document the dissemination of criminal histories and other law enforcement information to other agencies or criminal information system. They include dates of release, state identification number or FBI number.

Retention: One (1) year and then destroy.

802.7 FIELD INTERROGATION CARDS

This is a card with limited information on it filled out by a police officer. The card usually contains information on suspicious person an officer has stopped. It includes descriptions of individuals and vehicle, time and place of contact, and reason for the contact. This information is entered into the FI module of the records system (RMS/EFORCE).

Retention: Destroy upon information entered into the FI module of the records system (RMS/EFORCE) and card scanned into the FI module.

802.8 IMPOUNDED VEHICLE REPORTS

This is a form used for vehicle impounds. This report form contains the make and model of vehicle, the year, color, identification number, condition of vehicle, place impounded, name and address of owner (if available), reasons for impounding, and date and time impounding. This report form becomes a file in and of itself if it is not connected to a particular case.

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Retention: Retain for five (5) years and then destroy.

802.9 CITATIONS

These are citations issued for a variety of offenses.

Retention: Retain for five (5) years and then destroy, unless attached with a misdemeanor case report. If attached with misdemeanor case report, citations can be destroyed upon successful completion of scanning.

802.10 EVIDENCE - LAB RESULTS

These records are copies of the results of analysis on evidence that has been taken to the Idaho State Bureau of Forensics Lab for analysis. These records are kept with the case report files.

Retention: Destroy upon completion of scanning into the case file, with the exception of homicide test results, sexual abuse test results, and missing persons test results. Also, with the exception of any case related to Suicide or Accidental Death and Unattended Death cases.

802.11 EXPUNGED OR SEALED RECORDS

Records documenting the arrest and/or conviction of a person who petitions and is granted by the court an order to seal records. Also applies to juvenile records.

Retention: Records are kept permanently.

802.12 FINGERPRINT CARDS:

Cards containing fingerprints, palm prints, and other personal identifiers of arrested individuals are used for identification and apprehension of suspects in criminal investigations. The cards also contains information necessary to identify the individual, including: fingerprint classification number, name, address, date of birth, date of arrest, social security number, photograph, occupation, employer, etc.

Retention: Permanent. Keep records relating to homicides or felonies permanently.

Semipermanent: Keep records relating to misdemeanors five (5) years.

Fingerprint cards (Latent): Cards containing latent fingerprints and palm prints found at crime scenes without identification of suspects. These are compared against cards on file at the agency. Usually contains information related to the crime, location, date and time, and other details of the case.

Retention: Permanent. Keep records relating to homicides or felonies permanently.

Semipermanent: Keep records relating to misdemeanors five (5) years.

802.13 GRANT RECORDS

These files contain records of grants obtained and administered by the Buhl Police Department.

Retention: Retain for ten (10) years and then destroy.

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802.14 FILE ACCESS AND SECURITY

The security of files in the Records Department, must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including; FI cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Department, and accessible only by authorized members of the Records Department. Access to case reports or files when Records Staff is not available may be obtained through the Shift Supervisor.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.14.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Office/Records Manager. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Department.

802.15 REQUISITION OF SUPPLIES

All personnel who are in need of supplies shall complete a Requisition of Supplies form available in the Records Section. The requisition shall be approved by a supervisor and submitted to the Supply Clerk in the Records Section.

Only Records Section personnel shall issue supplies from the supply room, and no supplies will be provided without a Requisition of Supplies form.

802.16 POLICE DEPARTMENT FORMS

All official forms developed and used by this department shall be reviewed by the Administration Sergeant or designee. Once approved each form will be assigned a number and revision date for catalog and tracking purposes. The Office/Records Manager will maintain a complete catalog of all Police Department forms.

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Buhl Police Department is committed to providing public access to records in a manner that is consistent with the Idaho Public Records Law (Idaho Code 74-101 et seq.).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records (Idaho Code 74-119). The responsibilities of the Custodian of Records include but are not limited to:

- (a) Remaining familiar with the Idaho Public Records Law (Idaho Code 74-101 et seq.).
- (b) Managing the records management system for the Department including the retention, archiving, release, and destruction of [department/office] public records.
- (c) Maintaining and updating the [Department/Office] records retention schedule including:
 1. Identifying the minimum length of time the [Department/Office] must keep records.
 2. Identifying the [Department/Office] division responsible for the original record.
- (d) Establishing rules regarding the inspection and copying of [department/office] public records as reasonably necessary for the protection of such records.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Establishing rules regarding the processing of subpoenas for the production of records.
- (g) Ensuring a current schedule of fees for public records as allowed by law is available (Idaho Code 74-102).
- (h) Ensuring guidelines are in place that identify the general subject matter of all public records maintained by the [Department/Office] and the physical location of those documents (Idaho Code 74-119).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee (Idaho Code 74-119).

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (Idaho Code 74-102; Idaho Code 74-103):

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- (a) A request for inspection or copies of records should be submitted in writing that includes the requester's name, mailing address, email address, and telephone number. A request shall also be accepted by electronic mail.
 - 1. The request should specifically describe the subject matter and the records sought in sufficient detail and include a specific date range for when the records sought were created.
- (b) The Custodian of Records shall not review, examine, or scrutinize any copy, photograph, or memoranda in possession of the requester and shall extend to the requester all reasonable comfort and facility.
- (c) Inspection of public records shall be conducted during regular working hours.
- (d) Information may be provided to the requester to help narrow the scope of the request or to help the requester make the request more specific when the response is likely to be voluminous or require payment.
- (e) The [Department/Office] is not required to create records that do not exist.
- (f) A request for records shall be granted or denied within three working days of the date of request. If additional time is needed to locate or retrieve a record, the requester shall be notified in writing that the record will be provided no later than 10 working days for Idaho residents and no later than 21 working days for non-residents from the date of the request.
 - 1. If it is determined that an electronic record will have to be converted to another electronic format and the conversion cannot be completed within 10 working days, the requester shall be notified in writing. The record shall be provided at a time mutually agreed upon between the [Department/Office] and requester.
- (g) The request shall be deemed denied if the request is not responded to within 10 working days following the request.
- (h) Prior to denying a request, the City counsel should be consulted to confirm the information requested is exempt from disclosure.
- (i) The Custodian of Records shall notify the requester in writing when a request is denied in full or part. The notice of denial shall contain a statement that:
 - 1. City counsel reviewed or was consulted regarding the request.
 - 2. The specific statutory authority supporting the denial.
 - 3. The requester's right to appeal the denial or partial denial and the time period for doing so.
- (j) The requester may be required to pay an established fee in advance for the records sought.
- (k) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Idaho Code 74-112).
 - 1. A copy of the redacted record should be maintained to document what was released and the reasons for the redactions.

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- (l) A requester shall be provided a certified copy of a record if requested.
- (m) A requester may inspect and obtain copies of records pertaining to the requester, even if the record is exempt from public disclosure except when the record is (Idaho Code 74-113):
 1. An exempt investigatory record if the investigation is ongoing.
 2. Information compiled in reasonable anticipation of a civil action or proceeding and not otherwise discoverable.
 3. Exempt from disclosure by statute or court rule.

803.4.2 APPEALS

If a petition of appeal is received for a denial of records, the appeal shall be routed to the Custodian of Records and the Chief of Police for proper handling.

All documents that are subject to an appeal shall be kept until the end of the appeal period (180 days), until a decision has been rendered on the petition or as otherwise statutorily provided, whichever is longer (Idaho Code 74-115).

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any [department/office] record, including traffic collision reports, is restricted except as authorized by the [Department/Office], and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Idaho Code 74-106).
- (b) Certain personnel information including but not limited to sex, race, marital status, birthdate, home address, and telephone number (including an officer's residing household members); applications, testing, and scoring materials; and grievances, correspondence, and performance evaluations, unless ordered by the court, requested for official purposes by another law enforcement agency, requested by a financial institution or title company for business purposes, or the member gives consent (Idaho Code 74-106).
- (c) Medical records (Idaho Code 74-106).
- (d) Records related to juvenile offenders (Idaho Code 74-105).
- (e) Investigation records protected by Idaho Code 74-124 (Idaho Code 74-105).
- (f) Concealed weapon license information received or maintained by the [Department/Office], or records of any certification or notification required by federal law to be made in connection with the acquisition or transfer of a firearm (Idaho Code 74-105).
- (g) Records of proposed or existing critical infrastructure (including evacuation and emergency response plans) when the disclosure of information is reasonably likely to jeopardize the safety of persons, property, or the public safety (Idaho Code 74-105).

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- (h) Records relating to the nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communications systems against terrorist or other attacks (Idaho Code 74-105).
- (i) Any public record made exempt from disclosure by federal or state law (Idaho Code 74-104).
- (j) Records of an individual who has had records relating to a criminal offense shielded in accordance with Idaho Code 67-3004 (Idaho Code 74-105).

803.6 RELEASE OF OTHER INFORMATION

Civil Cases involving this Department and/or its Members: The sole authority to disclose or release information concerning civil cases involving this department or its members rests with the Chief of Police and the City Attorney. Members may not discuss any civil case involving themselves, this department of the City of Buhl, or otherwise disclose any information relating to any civil case without the specific permission of the Chief of Police. This is not to be construed to limit attorney/client relationships between a member and his attorney.

Criminal or Administrative investigation of a Member: The identity of any member subject to any criminal or administrative investigation shall not be released without the consent of the involved member, prior approval of the Chief of Police and City Attorney, or as required by law.

Medical Records of others: Medical data concerning others is confidential and shall not be released without specific consent of the person or as otherwise required by law.

803.7 MEMBER CONFIDENTIALITY

Notwithstanding any other provision of state law, no member of this department shall disclose to any person or entity the personal information of any member or his/her residing household members, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, except under any of the following circumstances:

- When directed by a court;
- When the member provides permission for disclosure of such information.

Full-time sworn members desiring that their Idaho residential street address and telephone number, and the Idaho residential street address and telephone number of their residing household member(s) be exempt from disclosure pursuant to Idaho Codes §19-5803 and

803.8 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Prosecutor, the City, or the courts.

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All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the records are expunged, members shall respond to any inquiry as though the record did not exist.

803.10 SECURITY BREACHES

Members who become aware that any Buhl Police Department system containing personal information may have been breached should notify the Office/Records Manager as soon as practicable.

The Office/Records Manager shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. Notice shall also be given to the Idaho Attorney General within 24 hours of discovery of the breach (Idaho Code 28-51-104; Idaho Code 28-51-105; Idaho Code 28-51-106).

Notice shall be given as soon as possible in the most expedient time possible and without unreasonable delay and consistent with the needs of the Buhl Police Department and any measures necessary to determine the scope of the breach, to identify the individuals affected and to restore the reasonable integrity of the computerized data system. Notice may be delayed if notification will impede a criminal investigation, but shall be made once there is a determination that notification will no longer impede the investigation (Idaho Code 28-51-105; Idaho Code 28-51-106).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (Idaho Code 28-51-104):

- (a) Social Security number
- (b) Idaho driver's license number or identification card number
- (c) Full account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Office/Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Buhl Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Buhl Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Buhl Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Division of Motor Vehicle (DMV) records and Idaho Law Enforcement Telecommunications System (ILETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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- (g) Serving as the security contact for ILETS, unless another individual is specifically selected for the purpose and approved by the ILETS Security Officer (IDAPA 11.10.01.024.05).

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Buhl Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor for a person to request, obtain or attempt to obtain, for personal gain, criminal history records under false pretenses or to willfully communicate or attempt to communicate criminal history records to any agency or person not authorized to receive the information by law (Idaho Code 67-3009(1)).

It is a felony for a person to willfully solicit, accept or agree to accept from another any pecuniary benefit as consideration for either willfully falsifying criminal history records or for willfully requesting, obtaining or seeking to obtain criminal history records for a purpose not authorized by law (Idaho Code 67-3009(2)).

804.4.2 RELEASE OF CRIMINAL HISTORY RECORD INFORMATION (CHRI)

Only members listed below are authorized to release CHRI. Each authorized member releasing CHRI is responsible to ensure that each request granted appears legitimate and the requester is an authorized representative of a criminal justice agency or court.

- (a) ILETS Terminal Agency Coordinator
- (b) Records Manager
- (c) Records Assistant
- (d) Members of the Records Division
- (e) Members of the prosecutors office.

Each member should have a signed ILETS "Statement of Criminal History Record (CHRI) Confidentiality Form" on file with the Terminal Agency Coordinator (TAC), which delineates the authorized usage of dissemination of CHRI obtained through the NCIC Interstate Identification Index (III) files.

804.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

State and national fingerprint-based record checks must be conducted within 30 days upon initial employment or assignment for all members, including appropriate IT members, having access

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to ILETS/NCIC information. Appropriate background checks must be conducted on any other member or City employee with access to ILETS and NCIC access devices.

This department will also screen custodial, support, and/or contact employees accessing terminal areas, when not escorted by authorized personnel.

Sites that include locations or vehicle housing Mobile Data Computers or personal/laptop computers accessing ILETS records must be secure from casual access.

CHRI shall not be transmitted by radio broadcast other than for legitimate law enforcement business/public safety reasons or to further an investigations. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (Idaho Code 67-3008(6)).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Office/Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.
- (e) Monitoring and enforcing department compliance with ILETS minimum standards and procedures to ensure the security of the physical premises, computer equipment and network requirements as outlined in IDAPA 11.10.01.024.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

804.7.1 ILETS TRAINING

All members who operate a terminal to access ILETS shall complete ILETS training consistent with their duties. Each member who operates a computer to access ILETS must be re-certified by the Department every two years (IDAPA 11.10.01.020.03).

804.7.2 DESTRUCTION OF CHRI

When retention of Criminal History Records are no longer required, final disposition shall be accomplished in a secure manner so as to preclude unauthorized access/use. Each member shall be responsible for CHRI documents they destroy.

NCIC requires all CHRI printouts to either be shredded or burned.

When the destruction of CHRI printouts are contracted out to a private company or individual, that entity or individual must either:

- (a) Pass a complete background check, which includes fingerprints processing, or
- (b) The printouts must be in a container that does not allow viewing of the contents, and the contracted person must be under supervision of a background checked member of this department until the documents are destroyed.

804.8 REPORTING SECURITY INCIDENTS (ILETS)

Any member of the Buhl Police Department shall report any security violation or possible security violation that may threaten the confidentiality, integrity, or availability of Criminal Justice Information or Criminal Justice Information Systems. Security incidents should be reported to your agency Information Security Officer (ISO) and include the following information:

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- Date of incident
- Location of incident
- System(s) affected
- Method of detection
- Nature of the incident
- Actions taken
- Contact information for the agency

804.9 DESTRUCTION OF PHYSICAL MEDIA (CJI)

Do not print information from ILETS unless necessary for a investigation. Any information that is printed must be kept in a secure area and immediately destroyed after use. If documents are disseminated to individuals outside of the Buhl Police Department, be sure to log them. Printed copies of criminal history information shall not be retained in case files when the case is closed or inactive. If Criminal Justice Information (CJI) is stored on electronic media, the media must be destroyed or sanitized prior to disposal. Electronic media includes the following:

- Diskettes
- Tape cartridges
- Ribbons
- CD's
- DVD's
- Hard Drives
- USB Flash drives
- Copier

804.10 COMPUTER AIDED DISPATCH (SIRCOMM CAD)

The purpose of this policy is to provide guidelines for the access, transmission, and release, of information obtained from Computer Aided Dispatch (CAD).

Only authorized users shall access the CAD system and only for authorized use. Information obtained from the CAD system SHALL not be viewed, shared, posted, or otherwise disseminated or used in any fashion other than official business use of the agency with whom the uses is employed.

Members who obtain, or attempt to obtain, information from Computer Aided Dispatch (CAD), other than that, to which they are entitled, in accordance with their official duties, or any member who divulges the content of such information to anyone other than authorized, may be subject to disciplinary action including immediate termination.

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Protected Information

804.11 PENALTIES FOR MISUSE OF RECORDS

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination. Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

It is a misdemeanor for a person for personal gain to request, obtain, or attempt to obtain criminal history records (CHRI) under false pretenses or willfully communicate or attempt to communicate criminal history records to any agency or person not authorized to receive the information by law.

It is a felony for a person to willfully solicit, accept, or agree to accept from another any pecuniary benefit as consideration for either willfully falsifying criminal history records or for willfully requesting, obtaining, or seeking to obtain criminal history records for a purpose not authorized by law.

Members who obtain, or attempt to obtain, information from this department's files or databases other than that, to which they are entitled, in accordance with their official duties, or any member who divulges the content of any criminal record to anyone other than authorized personnel, may be subject to disciplinary action, including termination.

Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to the public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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805.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.5.1 INJURED WILDLIFE

Injured wildlife should be referred to the Animals in Distress Association (AIDA) or Idaho Fish and Game.

805.6 POLICY

It is the policy of the Buhl Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Idaho Code 25-3504 et seq. (cruelty to animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

805.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter) (Idaho Code 25-3510).

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805.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

805.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Jeanne Clery Campus Security Act

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

806.2 POLICY

The Buhl Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Buhl Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Buhl Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Buhl Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

806.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Buhl Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the Buhl Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

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5. Notify the Buhl Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to staff at the institution regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

806.4 RECORDS COLLECTION AND RETENTION

The Office/Records Manager is responsible for maintaining Buhl Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft

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7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7) and 34 CFR 668.46 (c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12) and 34 CFR 668.46(c)(5)):
1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Buhl Police Department (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

806.4.1 CRIME LOG

The Office/Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4) and 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Buhl Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

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- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

806.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Sergeant to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3) and 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.

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- (b) Procedures for protecting the confidentiality of victims and other necessary parties.
- 5. Enforcement policies related to alcohol and illegal drugs.
- 6. Locations where the campus community can obtain information about registered sex offenders.
- 7. Emergency response and evacuation procedures.
- 8. Missing student notification procedures.
- 9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Computers and Digital Evidence

807.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCD's) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box (for laptops, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.

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- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

807.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Idaho State Police or another agency having certified examiners.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

807.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CD's DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

807.4 SEIZING PCD'S

Personal communication devices such as cell phones, PDA's or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

807.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The property officers are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the officer is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. Officers shall write

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their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

- (d) A property officer will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the property officers will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

807.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only property officers are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Prescription Drug Collection and Disposal

808.1 PURPOSE AND SCOPE

This policy is designed to establish guidelines for the proper collection, handling, and disposal of unused medications collected through our Prescription Drug Take Back Program. The Prescription Drug Take Back Program provides a safe and secure disposal location for citizens to properly dispose of their unused/unwanted medications.

808.2 POLICY

It shall be the policy of the Buhl Police Department to provide an environmentally safe alternative to disposing of medications in a landfill or sewer system, which may later negatively affect the environment. The Drug Take Back Program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive and/or dangerous medications from accidental or intentional abuse by someone who may or may not be the person the drugs were prescribed to, and also reduces the risk of accidental ingestion of addictive and/or dangerous drugs by children or other persons at-risk.

808.3 OPERATING PROCEDURES

The following operating procedures shall be followed for the collection of prescription drugs by the Buhl Police Department:

- (a) Prescription drugs shall be collected from citizens through use of the secure Drug Collection Container located in the secure lobby of the Buhl Police Department. The Drug Collection Container shall be secured to the concrete flooring of the building to prevent removal by unauthorized individuals, and the secure door of the Drug Collection Container shall remain closed and locked at all times to prevent access to the collection box.
- (b) Collection box(es) and plastic liners shall be placed inside the Drug Collection Container and used to collect and store prescription drugs.
- (c) The Secure Drug Collection Container shall remain locked and secured behind the police department security doors after normal business hours of the Buhl Police Department.
- (d) Citizens who wish to turn over prescription medications will place them directly into the secure Drug Collection Container, shall not be required to make contact with a police officer prior to placing prescription medications into the secure Drug Collection Container, and shall be allowed to remain anonymous at the time of turn in.
- (e) A certified police officer who directly receives any prescription medications from an anonymous citizen shall immediately, and without delay, proceed to the secure Drug Collection Container and drop them into the container.
- (f) Liquids, syringes, and/or sharps will not be permitted into the secure Drug Collection Container or box inside the container. It shall be prominently posted on the secure

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Drug Collection Container that these items are not permitted to be dropped into the container.

808.4 HANDLING PROCEDURES

The Buhl Police Department evidence custodian(s) will be the sole possessors of the keys to the secure Drug Collection Container, the evidence room, and have sole access to the collection box(es).

- (a) Sworn police employees and/or non-sworn civilian employees shall not have access to the secure Drug Collection Container nor the contents of the collection box(es).
- (b) The Chief of Police will monitor the collection of the collection box contents with the evidence custodian Sergeant.
- (c) The Chief of Police and/or the Evidence Custodian Sergeant will assign a single case number each year for the Prescription Drug Take Back Program to track every box of medications taken in the program. This allows for tracking of data to monitor the program benefits.
- (d) When a collection box is full, the evidence custodian Sergeant will remove the box from the secure Drug Collection Container, seal the bag inside the box, and then seal the box with packing tape. The boxes will then be placed into the Buhl Police Department secure evidence room for storage until disposal. The boxes will not be inventoried; however the full sealed box will be weighed. A property sheet will be completed on each full collection box and will reflect the yearly report number.
- (e) A supplement to the yearly report for the Prescription Drug Take Back Program will be completed by the Evidence Custodian Sergeant, with information to include the date the full box was sealed and the weight of the box. A property entry will be made in the report to reflect that the full box is officially logged into property and evidence.

808.5 DISPOSAL

The following procedures will be followed for the disposal of all prescription medications turned in to the Buhl Police Department:

- (a) The Evidence Custodian Sergeant will communicate regularly with the Idaho State Police personnel responsible for the coordination of the disposal of prescription medications.
- (b) Bi-annually, the Evidence Custodian Sergeant, at the direction of the Idaho State Police, will properly package and label the full boxes of the prescription medications to be turned over to the Idaho State Police for disposal.
- (c) The Evidence Custodian Sergeant, along with another sworn officer of the department, will escort the sealed collection boxes to the appropriate disposal/incineration site and/or oversee the proper handling and shipping of the full collection boxes to the Idaho

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State Police designated collection site utilizing guidelines established by the Idaho State Police.

- (d) A supplement to the yearly report for the Prescription Drug Take Back Program will be completed by the Evidence Custodian Sergeant whenever any prescription drugs are disposed of and will reflect any pertinent information regarding the disposal including the date of disposition. The property detail of the report will also be updated to reflect that the items are no longer in the custody of the department.

SIRCOMM (Southern Idaho Regional Communications Center)

809.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of SIRCOMM (Southern Idaho Regional Communications Center). It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

809.2 POLICY

It is the policy of the Buhl Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. This department provides two-way radio capability for continuous communication between SIRCOMM (Southern Idaho Regional Communications Center) and department members in the field.

809.3 SIRCOMM (SOUTHERN IDAHO REGIONAL COMMUNICATIONS CENTER) SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of SIRCOMM (Southern Idaho Regional Communications Center), its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for SIRCOMM (Southern Idaho Regional Communications Center).

Access to SIRCOMM (Southern Idaho Regional Communications Center) shall be limited to SIRCOMM (Southern Idaho Regional Communications Center) members, the Shift Supervisor, command staff and department members with a specific business-related purpose.

809.4 RESPONSIBILITIES

809.4.1 DIRECTOR

The Chief of Police shall appoint and delegate certain responsibilities to a Director. The Director is directly responsible to the Uniform Patrol Sergeant or the authorized designee.

The responsibilities of the Director include, but are not limited to:

- (a) Overseeing the efficient and effective operation of SIRCOMM (Southern Idaho Regional Communications Center) in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of SIRCOMM (Southern Idaho Regional Communications Center) information for release.
- (f) Maintaining Director database systems.

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- (g) Maintaining and updating SIRCOMM (Southern Idaho Regional Communications Center) procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
- (h) Ensuring dispatcher compliance with established policies and procedures.
- (i) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (j) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

809.4.2 ADDITIONAL PROCEDURES

The Director should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift Supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for SIRCOMM (Southern Idaho Regional Communications Center) (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

809.4.3 DISPATCHERS

Dispatchers report to the Director. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - 1. Emergency 9-1-1 lines.

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2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
 - (c) Inquiry and entry of information through SIRCOMM (Southern Idaho Regional Communications Center), department and other law enforcement database systems (e.g., Idaho Public Safety and Security System (ILETS), ITD, National Crime Information Center (NCIC)).
 - (d) Monitoring department video surveillance systems.
 - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
 - (f) Notifying the Shift Supervisor or field supervisor of emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

809.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service, as mandated by the Americans with Disabilities Act.

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If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in SIRCOMM (Southern Idaho Regional Communications Center), the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

809.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

809.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

809.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

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The Director shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

809.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Buhl Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

809.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

809.7 DOCUMENTATION

It shall be the responsibility of SIRCOMM (Southern Idaho Regional Communications Center) to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

809.8 CONFIDENTIALITY

Information that becomes available through SIRCOMM (Southern Idaho Regional Communications Center) may be confidential or sensitive in nature. All members of SIRCOMM

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(Southern Idaho Regional Communications Center) shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Idaho Department of Transportation records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

809.9 TRAINING AND CERTIFICATION

Unless waived by the Chief of Police, dispatchers shall be trained and certified as required by Idaho Code 19-5119.

Crime Analysis

810.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to this department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

810.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data

810.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

810.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of this department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

PHYSICAL PROTECTION POLICY

811.1 PURPOSE

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors, for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

This Physical Protection Policy was developed using the FBI's CJIS Security Policy Version 5.6 (06/05/2017) (CJISD-ITS-DOC-08140-5.6 section 5.1. The intended target audience is Buhl Police Department personnel, support personnel, and private contractor/vendors with access to CJI whether logically or physically. The local agency may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard and local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy Standards.

811.2 PHYSICALLY SECURE LOCATION

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in the Buhl Police Department shall be identified with a sign at entrance.

811.3 VISITORS ACCESS

Visitors Access: A visitor is defined as a person who visits the Buhl Police Department facility on a temporary basis who is not employed by the Buhl Police Department and has no unescorted access to the physically secure location within the Buhl Police Department where FBI CJI and associated information systems are located.

Visitors shall:

1. Be accompanied by a Buhl Police Department escort at all times to include delivery or service personnel. An escort is defined as a authorized personnel who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.
2. Show Buhl Police Department a valid form of photo identification
3. Follow Buhl Police Department policy for authorized unescorted access.
 - (a) Noncriminal Justice Agency (NCJA) like city or county IT who require frequent un-escorted access to restricted area(s) will be required to establish a Management Control Agreement between the Buhl Police Department and

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NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

- (b) Private contractors/vendors who require frequent unescorted access to restricted area(s) will be required to establish a Security Addendum between the Buhl Police Department and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.
4. Not be allowed to view screen information mitigating shoulder surfing.
5. Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified.
6. Not enter into a secure area with electronic devices unless approved by the Buhl Police Department's TAC, Chief of Police or other designated employee. Electronic devices includes cameras and mobile devices. Photographs are not allowed without permission of the Buhl Police Departments TAC or Chief of Police.

All requests by groups for tours of the Buhl Police Department facility will be referred to the proper agency point of contact for scheduling. The group leader will provide a list of names to front desk personnel. A background check on all adults in the group will be performed prior to entering secure areas of the Buhl Police Department.

811.4 AUTHORIZED PHYSICAL ACCESS

Only authorized personnel will have access to physically secure non-public locations. The Buhl Police Department will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJIS. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJI access
 - (a) To verify identification, a state or residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer and networks with direct access to CJI.
 - (b) Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.

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- (c) Prior to granting access to CJIS, the Buhl Police Department on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based records check.
 - (d) Refer to the CJIS Security Policy for handling cases of felony convictions, criminal records, arrest histories, etc.
2. Complete security awareness training.
 - (a) All authorized Buhl Police Department, Noncriminal Justice Agencies (NCJA) like city or county IT and Private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two (2) years thereafter.
 - (b) Security awareness training will cover areas specified in the CJIS Security Policy at a minimum.
 3. Be aware of who is in their secure area before accessing confidential data.
 - (a) Take appropriate action to protect all confidential data.
 - (b) Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
 4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
 - (a) Report loss of issued keys, proximity cards, etc., to authorized agency personnel.
 - (b) If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the Buhl Police Department Chief of Police to have authorized credential like proximity cards de-activated and/or doors locks possibly rekeyed.
 - (c) Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcards), and all other facility and computer systems security access procedures.
 5. Properly protect from viruses, worms, Trojan horses, and other malicious code.
 6. Web usage-allowed versus prohibited; monitoring of user activity.
 7. Do not use personally owned devices on the Buhl Police Department computers with CJI access.
 8. Use of electronic media is allowed only by authorized Buhl Police Department personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
 9. E-mail transmission of CJI is not permitted.
 10. Report any physical security incidents to the Buhl Police Department's LASO (Records Manager) and TAC (Records manager/Chief of Police) to include facility access

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violations, loss of CJI, loss of laptops, Blackberries (Smart phones), thumb drives, CD's/DVD's and printouts containing CJI.

11. Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis.
12. Ensure data centers with CJI are physically and logically secure.
13. Keep appropriate Buhl Police Department security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.
14. Ensure the perimeter security door securely locks after entry or departure (Main front door of office / Back Door). Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

811.5 TERMINAL AGENCY COORDINATOR (TAC) (RECORDS MANAGER)

The TAC serves as the point-of-contact (POC) at the Buhl Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

811.6 LOCAL AGENCY SECURITY OFFICER (LASO) (RECORDS MANAGER)

Each LASO Shall:

1. Identify who is using the CSA (state) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
2. Identify and document how the equipment is connected to the state system.
3. Ensure that personnel security screening procedures are being followed as stated in this policy.
4. Ensure the approved and appropriate security measures are in place and working as expected.
5. Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

811.7 AGENCY COORDINATOR (AC) (RECORDS MANAGER)

An AC is a staff member of the Contracting Government Agency (CGA) who manages the agreement between the private contractor(s)/Vendor(s) and the Buhl Police Department. A CGA is a government agency, whether a Criminal Justice Agency (CJA) or a NCJA, that enters into an agreement with a private contractor/vendor subject to the CJIS Security Addendum. The AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operations, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

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811.8 CJIS SYSTEM AGENCY INFORMATION SECURITY OFFICER (CSA ISO) (RECORDS MANAGER)

The CSA ISO shall:

1. Serve as the security point of contact (POC) to the FBI CJIS Division ISO.
2. Document technical compliance with the CJIS Security Policy with the goal to assure the confidentiality, integrity, and availability of criminal justice information to the user community throughout the CSA's user community, to include the local level.
3. Document and provide assistance for implementing the security-related controls for the interface Agency and its users.
4. ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASO's institute the CSA incident response reporting procedures at the local level. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected Criminal Justice Agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.

811.9 FRONT DESK AND VISITOR SPONSORING PERSONNEL

Administration of the Visitor Check-in / Check-Out procedure is the responsibility of identified individuals in each facility. In most facilities, this duty is done by the Front Desk or Reception Desk.

Prior to visitor gaining access to physically secured area:

1. The visitor's identification will be checked and verified. The visitor will then be escorted by Buhl Police Department personnel throughout the duration of the visit unless the visitor has been fingerprint background checked and cleared for unescorted access to the Buhl Police Department.

All Buhl Police Department personnel and supporting entities are responsible to report any unauthorized physical, logical, and electronic access to the Buhl Police Department.

811.10 PENALTIES

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination. Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Buhl Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Buhl Police Department facilities. Except in exigent circumstances, the search should be conducted by a

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member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Buhl Police Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 CUSTODY SEARCHES

Any person taken into custody may be subjected to pat-down booking searches, metal detector searches, and through clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

900.6 PAT DOWN SEARCHES

- (a) When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual

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- (b) Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.
- (c) When ever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of opposite sex as the searching officer.

900.7 STRIP SEARCHES

No individual in temporary custody at any Buhl Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.7.1 STRIP SEARCH PROCEDURES

Strip searches at Buhl Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by

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persons not participating in the search. The search shall not be reproduced through a visual or sound recording.

- (d) Whenever possible, a second member of the same sex should be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary employee conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Shift Supervisor.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.
 - 8. The place at which the search was conducted.
 - 9. A list of the items, if any, that were recovered.
 - 10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or female breasts while the individual is showering, performing bodily functions, or changing clothes unless the detainee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the detainee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the detainee's consent and/or otherwise protect the detainee's privacy and dignity.

900.7.2 SPECIAL CIRCUMSTANCES FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

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900.8 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Lieutenant's approval.
 4. A copy of the search warrant.
 5. The time, date and location of the search.
 6. The medical personnel present.
 7. The names, sex and roles of any department members present.
 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

900.9 TRAINING

The Chief of Police shall ensure members have training that includes (28 CFR 115.115):

- Conducting searches of cross-gender individuals.
- Conducting searches of transgender and intersex individuals.
- Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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900.10 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

900.11 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the [Department/Office].

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Prison Rape Elimination

901.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Buhl Police Department Temporary Holding Facilities (28 CFR 115.111).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the arrestee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the arrestee, detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of an arrestee, detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one arrestee, detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to an arrestee, detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

901.2 POLICY

The Buhl Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Buhl Police Department will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

901.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Buhl Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Buhl Police Department detainees or arrestees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of arrestees (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of an arrestee (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
 - (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).
 - (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

901.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other arrestees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

901.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from arrestees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

901.4.2 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

901.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

901.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

901.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as an arrestee or a member of the Buhl Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

901.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

901.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

901.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Mayor. The Chief of Police or City Mayor shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

901.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of arrestees, such monitoring shall also include periodic status checks.

901.7 REVIEWS AND AUDITS

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901.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

901.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Buhl Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

901.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

901.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Chief of Police shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Chief of Police shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Temporary Custody of Adults

902.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Buhl Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Buhl Police Department prior to being released or transported to a housing or other type of facility.

902.2 POLICY

The Buhl Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

902.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than eight hours.

902.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Buhl Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

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1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
 - (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
 - (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
 - (g) Any individual who has exhibited extremely violent or continuously violent behavior.
 - (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
 - (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

902.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability. At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

902.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Supervisor.

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When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

902.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

902.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 4. Ensure males and females are separated by sight and sound when in cells.
 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

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- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

902.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Uniform Patrol Sergeant will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

902.5 SAFETY, HEALTH AND OTHER PROVISIONS

902.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Buhl Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.

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- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Buhl Police Department.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility. The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

902.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

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902.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Buhl Police Department. They should be released or transferred to another facility as appropriate.

902.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

902.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Vulnerable Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

902.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should

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generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

902.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

902.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Buhl Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

902.6.1 PREGNANT ADULTS

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

902.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

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Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

902.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 1. Safety checks should be at varying times.
 2. All safety checks shall be logged.
 3. The safety check should involve questioning the individual as to his/her well-being.
 4. Individuals who are sleeping or apparently sleeping should be awakened.
 5. Requests or concerns of the individual should be logged.

902.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Uniform Patrol Sergeant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Buhl Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Supervisor, Chief of Police and Investigation Sergeant.

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- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

902.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Buhl Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

902.11 ASSIGNED ADMINISTRATOR

The Uniform Patrol Sergeant will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance

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- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

902.12 TRAINING

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

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Buhl Police Department and that are promulgated and maintained by the Personnel Department.

1000.2 BACKGROUND INVESTIGATION

Investigator(s) assigned to investigate applicants shall:

- (a) Obtain the applicant's driving record and verify status and record.
- (b) Have applicant sign all related release and waiver forms.
- (c) If applicants have recently lived outside the state, request a records check through the agency (s) applicant's previous community(s).
- (d) Provide a thorough and complete background investigation file to the chief of police.
 1. Background investigations, though sometimes costly and time-consuming, are considered by many police practitioners to be the most useful and relevant component of the selection process. Investigators shall use all available data on the candidate they can, especially the application and the medical history report.
 2. It is more reliable to conduct inquires in person, though telephone and mail inquires may be appropriate in cases of criminal history and driving records. Investigators should include a home visit with the candidate and his/her family, interviews with neighbors, friends and landlords, when possible. Background investigations, other than computer checks, are generally done during the final stage of the hiring process.
 3. Background investigations shall include verification of the candidates' qualifying credentials, as well as:
 - (a) A review of candidate's criminal history record, *if any (local, ILETS, NCIC)*;
 - (b) Two card fingerprint-based criminal records check (*local, FBI & state*);
 - (c) Verification of at least 3 personal references listed by the candidate and 2 non-listed; former employers and co-workers;
 - (d) Check of school records (*transcripts, diplomas, GED, educational achievements*);
 - (e) Credit history report;
 - (f) Marital status (*a criminal records check on spouse may also be appropriate*);
 - (g) Military service (*military form DD-214 must be supplied; less than honorable discharge will disqualify the applicant*);
 - (h) Employment history;

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- (i) Verification of age (*birth certificate*);
 - (j) Residency over past 10 years;
 - (k) U.S. Citizenship (*birth or naturalization records*);
 - (l) Inquiry as to character, reputation, moral conduct;
 - (m) Use of drugs or intoxicants.
 - (n) *These verifications can be made by telephone, correspondence, computer inquiry, or personal interview and will be backed up by documentation. All results of a background investigation are to be considered confidential, thus processed accordingly.*
- (e) Arrange for a written and/or physical agility test to be conducted:
- (a) The applicant must achieve a score no less than the minimum established for each test. The written exam will include a reading and writing comprehensive component and a writing and computer literacy exercise.
- (f) Arrange for a psychological evaluation to be conducted.
- (a) Only qualified professionals shall be used to assess the emotional stability and psychological fitness of candidates. These licensed psychologists or psychiatrists shall make such judgments in order to ensure proper interpretation and legal defensibility of the evaluation process.
- (g) Present findings to Oral Board.
- (a) Oral boards shall normally consists of four (4) persons; i.e.; a supervisory member of the department, members of other departments, a citizen or city official.

1000.3 POLICY

In accordance with applicable federal, state, and local law, the Buhl Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.4 RECRUITMENT

The Administration Sergeant shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.

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1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and collective bargaining agreements.
 - (b) Identification of racially and culturally diverse target markets.
 - (c) Use of marketing strategies to target diverse applicant pools.
 - (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive [department/office] website and the use of [department/office]-managed social networking sites, if resources permit.
 - (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
 - (f) Employee referral and recruitment incentive programs.
 - (g) Consideration of shared or collaborative regional testing processes.

The Administration Sergeant shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The [Department/Office] should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.5 SELECTION PROCESS

The [Department/Office] shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the [Department/Office] shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) A professional check and a minimum of three personal reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

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- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. Psychological examinations shall be performed by qualified professionals.
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index
- (l) Any relevant information in the National Law Enforcement Accountability Database

1000.5.1 VETERANS' PREFERENCE

Eligible veterans or widows may receive a veterans' preference pursuant to Idaho Code 65-504.

1000.6 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation meeting the requirements of IDAPA 11.11.01.057 to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Buhl Police Department, before appointment to probationary status.

1000.6.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.6.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Sergeant should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Sergeant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Sergeant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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1000.6.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.6.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.7 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.8 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (IDAPA 11.11.01.050 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

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1000.8.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the Idaho Peace Officer Standards and Training (POST) Council (IDAPA 11.11.01.050 et seq.):

- (a) Be a citizen of the United States
- (b) Be a high school graduate or the recipient of a GED certificate
- (c) Be at least 21 years of age
- (d) Have good moral character
- (e) Meet the drug standards as described in IDAPA 11.11.01.055
- (f) Be free of any felony or misdemeanor convictions as described in IDAPA 11.11.01.055
- (g) Not have been dishonorably discharged or have received a similar dismissal from the military service
- (h) Have certification that has not been revoked, denied, or suspended in any state or jurisdiction, or where the candidate has been unable to obtain certification in another state or jurisdiction
- (i) Have a valid driver's license
- (j) Submit to a medical examination
- (k) Submit to a psychological examination
- (l) Submit to an aptitude test
- (m) Submit to a physical readiness assessment as described in IDAPA 11.11.01.057
- (n) Agree to abide by code of ethics as described in IDAPA 11.11.01.057

1000.9 PROBATIONARY PERIODS

The Administration Sergeant should coordinate with the Buhl Personnel Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Officers must complete at least a 12-month probationary period and the [department/office]'s entry-level training program.

1000.10 LIABILITY PROTECTION AND INDEMNIFICATION COVERAGE

Current information regarding liability protection and indemnification will be made available, pursuant to City policy, for all employees acting within the scope of their authority.

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1000.11 SALARY, HEALTH INSURANCE, AND RETIREMENT PROGRAMS

Members shall refer to information provided by the City applicable personnel manual and/or collective bargaining agreement regarding salaries, differential within ranks, increases for special skill positions, retirement programs, and health insurance programs.

Special Assignments and Promotions

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Buhl Police Department.

1001.2 PROMOTIONS

- (a) When a vacancy exists for a promotion, the Chief shall post an advertisement of the position for two weeks. During that time, officers may request, in writing, consideration for the position.
- (b) At the discretion of the Chief of Police, vacancies for the position of Sergeant, Staff Sergeant, and Lieutenant may be advertised or posted to accept applications for the position(s) from qualified applicants outside the Buhl Police Department.
- (c) Officers that choose to participate in career development will be afforded the opportunity, as circumstances permit, to attend training courses that could benefit them in the selection process.
- (d) Members' appointed or promoted to a first-level supervisory position will successfully complete at least 40-hours of POST approved supervisory training, prior to or within one-year of such appointment or promotion.
- (e) Members' appointed or promoted to a mid-management position will successfully complete at least 40-hours of POST approved management training, prior to or within one-year of such appointment or promotion

1001.2.1 PROMOTIONAL QUALIFICATIONS

CORPORAL:

Qualifications: Eligibility for testing will require each candidate to meet the minimum standards.

- (a) Current employment of not less than two (2) years as a full-time sworn police officer with the city of Buhl and a minimum of three (3) years total sworn experience in law enforcement. The following experience may not be substituted for any portion of the three (3) year minimum: military police, corrections, detention, or reserve police officer status.
- (b) Hold a POST Basic Certificate at the time of application closing date. Possession is defined as a signed certificate on record with the Idaho POST academy.
- (c) Officers on probation which extends beyond the closing date are not eligible to test.

Promotional Procedure

The testing and promotional procedure for the position of Corporal will be determined by the Chief of Police and Lieutenant, but may include the following:

- (a) Written test (policy and procedures)

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(b) Oral Board

The Chief of Police reserves the right to appoint a qualified applicant to the position of Corporal based on department needs at the time.

SERGEANT:

Qualifications: Eligibility for testing will require each candidate to meet the minimum standards.

(a) Current employment of not less than one (1) year as a full-time sworn police officer with the city of Buhl and Minimum of four (4) years total sworn experience in law enforcement. The following experience may not be substituted for any portion of the four (4) year minimum: military police, corrections, detention, or reserve police officer status.

(b) Hold a POST Intermediate Certificate or eligible, meaning can obtain an Intermediate Certification within one year from the date of promotion to Sergeant.

(c) Officers on probation status at the time of the application closing date are not eligible to test.

Promotional Procedure

(a) Written test (testing on policy, procedures, situations and employee management)

(b) oral Board

The Chief of Police reserves the right to appoint a qualified applicant for within the agency or seek a qualified applicant from outside the agency, based on the needs of the department at the time.

STAFF SERGEANT:

Qualifications: Eligibility for testing will require each candidate to meet the minimum standards.

(a) Must currently hold the rank of Sergeant within the Buhl Police Department.

(b) Current employment of not less than six (6) years as a full-time sworn police officer with the city of Buhl and a minimum of six (6) total sworn experience in law enforcement. The following experience may not be substituted for any portion of the six (6) year minimum: military police, corrections, detention, or reserve police officer status.

(c) Hold a post Intermediate Certification at the time of application closing date.

(d) Officers on probation status at the time of the application closing date are not eligible to test.

Promotional Procedure

(a) Written test (testing on policy, procedures, situations, and employee management)

(b) Oral Board

LIEUTENANT:

The position of Lieutenant is appointed by the Chief of Police.

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Note: See Buhl Police Department Policy 1033 for further qualifications and job descriptions.

1001.2.2 PROMOTION PROBATION

- (a) Any employee receiving a higher rank, with the exception being the position of corporal, shall be placed on six (6) months probation status with respect to that position. At the end of the six (6) month period, the employee shall be evaluated. (Any employee on such probation is subject to reduction to his prior rank at any time during the six (6) month period.) If the Chief of Police feels the employee is either unwilling or unable to satisfactorily perform the duties required of the position or rank assigned he may; give and extension of the probationary time, place on regular status or return the employee to the position held prior to the promotion.

1001.3 POLICY

The Buhl Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1001.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Crisis Response Unit member
- (b) Investigator
- (c) Motorcycle officer
- (d) Bicycle Patrol officer
- (e) Canine handler
- (f) Collision investigator
- (g) Field Training Officer
- (h) Community Relations/Training Officer
- (i) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer
- (j) Court Officer

1001.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by Peace Officer Standards and Training (POST) or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

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1001.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expresses an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner

1001.4.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Sergeant for whom the candidate will work.
- (b) Sergeant interview - The Sergeant will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Sergeant after the interview, the Sergeant will submit his/her recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

1001.5 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Buhl Personnel Department.

Anti-Retaliation

1003.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1003.2 POLICY

The Buhl Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1003.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1003.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Mayor and City Clerk.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1003.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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Anti-Retaliation

1003.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1003.7 WHISTLE-BLOWING

Idaho law protects an employee who makes a good faith report about the existence of (Idaho Code 6-2104):

- (a) Any waste of public funds, property, or manpower.
- (b) A violation or suspected violation of Idaho law, rule, or regulation.

Employees may also be protected under Idaho law for objecting or refusing to carry out a directive that the employee reasonably believes violates an Idaho law, rule, or regulation (Idaho Code 6-2104).

Employees should report the waste or violation through the chain of command to allow the department a reasonable opportunity to correct the waste or violation (Idaho Code 6-2104).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Police for investigation pursuant to the Personnel Complaints Policy.

1003.8 RECORDS RETENTION AND RELEASE

The Office/Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1003.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Charges and Convictions

1004.1 PURPOSE AND SCOPE

Charges or convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify this department of any criminal charges or convictions.

1004.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Idaho and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm.

Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Idaho Code 18-3316).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the endorsement Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the endorsement Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1004.3.1 NOTIFICATION REQUIREMENTS

Any officer of this department facing a current felony or misdemeanor charge shall notify his/her supervisor within five business days of learning of the charge. The Chief of Police shall notify the Peace Officer Standards and Training (POST) Division Administrator within 14 days of learning of the charge (IDAPA 11.11.01.110.03).

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Reporting of Employee Charges and Convictions

1004.4 REPORTING OF TRAFFIC VIOLATIONS

- (a) Employees do not have to report the citation for or conviction of parking tickets or minor traffic offenses except under the following circumstances:
 - 1. Any moving or non-moving traffic violation resulting in a citation.
 - 2. Any infraction violation received by an employee as the result of a vehicle crash.
 - 3. Any infraction violation received while operating a department vehicle.
- (b) All employees shall immediately report to the Chief of Police any citation and/or conviction of any misdemeanor traffic offense, within Ten (10) days of the citation, including but not limited to:
 - 1. Reckless or Inattentive Driving.
 - 2. D.U.I.
 - 3. Driver's license offenses.
 - 4. Any misdemeanor vehicle insurance violation.

Failure to notify the department of the foregoing shall be cause for discipline.

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1005.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1005.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening test if (Idaho Code 72-1705):

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.
- (e) There is a need for a confirmatory or follow-up test in the event of a positive or inconclusive result.
- (f) Random testing is conducted.
- (g) A baseline needs to be determined.
- (h) Needed prior to a return to duty.

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Any drug or alcohol testing of employees shall be deemed work time for the purpose of compensation. All costs related to screening tests shall be paid by the Department (Idaho Code 72-1703).

1005.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 DISCIPLINE

An employee may be subject to disciplinary action, including termination, if the employee:

- (a) Fails or refuses to submit to a screening test as requested (Idaho Code 72-1708).
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.
- (c) Violates any provisions of this policy (Idaho Code 72-1705).

1005.7.3 SCREENING TEST REQUIREMENTS

All screening tests for drugs or alcohol shall comply with the standards set forth in Idaho Code 72-1704.

1005.7.4 SCREENING TEST RESULTS

Employees, or prospective employees, who test positive for drugs or alcohol shall be given written notice of the test result, including the type of substance involved. The employee must also be given the opportunity to have the positive test result explained by a medical review officer or other qualified person (Idaho Code 72-1706(1)).

An employee, or a prospective employee, with a positive test result may request that the same sample be retested by a mutually agreed upon laboratory. The retest must be done within seven working days from the date of the first confirmed positive notification (Idaho Code 72-1706(2)).

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

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1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

1005.10 ILLEGAL USE OR POSSESSION OF DRUGS

The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

- (a) Any adult use or possession of drug classified as a hallucinogenic within seven (7) years prior to application for employment.
- (b) Any adult use or possession of marijuana within one (1) year prior to application for employment.
- (c) Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within five (5) years prior to application for employment.
- (d) Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field.
- (e) Any adult manufacture or cultivation of a drug or illegal substance.
- (f) Failure to divulge to this department any information about personal illegal use or possession of drugs.
- (g) Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (h) Any applicant for employment with an agency will be disqualified if he/she has been found guilty by a court or a jury of driving while under the influence of intoxicants five calendar years prior to the date of application.

The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

- (a) Any illegal use or possession of a drug as a juvenile.
- (b) Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than (1) year ago or cocaine use longer than five (5) years ago).
- (c) Any illegal or unauthorized use of prescription medications.

Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Buhl Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 POLICY

The Buhl Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1007.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White CARE Act (42 USC § 300ff-133; 42 USC § 300ff-136).

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2. Reporting communicable diseases or member exposures to the Department of Health and Welfare (Idaho Code 39-602; Idaho Code 39-610; IDAPA 16.02.10.065).

The ECO should also act as the liaison with the Idaho Division of Building Safety and may request voluntary compliance inspections. The ECO should review and update the exposure control plan annually and review implementation of the plan.

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

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1007.5 POST EXPOSURE

1007.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1007.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting and Illness and Injury Prevention policies).

1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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1007.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1007.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Contacting the Department of Health and Welfare (DHW) to provide information regarding the circumstances of the exposure and to request that DHW issue an order for the source individual to report for an examination. As a result of the examination, a licensed physician may order testing (IDAPA 16.02.10.060; IDAPA 16.02.10.065).
- (c) Complying with the requirements of Idaho Code 39-604 if the person has been arrested and confined at the Buhl Police Department.

Under certain circumstances, if the member qualifies as a crime victim, a court may order the result of any source testing to be disclosed to the exposed member (Idaho Code 39-604).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1007.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1007.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Buhl Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.2 POLICY

The Buhl Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings, and vehicles, and as is further outlined in this policy, Idaho Code 39-5503, and Buhl City Ordinance 988.

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in uniform and in public view representing the Buhl Police Department.

Smoking and tobacco use by members is prohibited within 50 feet of any door or window opening of the Buhl Police Department.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

Employees are also prohibited from smoking or using tobacco products while engaging the public and/or on calls for service.

Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Buhl Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1009.2 POLICY

The Buhl Police Department takes seriously all complaints regarding the service provided by the [Department/Office] and the conduct of its members.

The [Department/Office] will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this [department/office] to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of [department/office] policy or of federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate [department/office] policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the [Department/Office].

1009.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Chief of Police, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1009.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any [department/office] member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1009.3.3 INTERNAL AFFAIRS FUNCTION

The Chief of Police shall ensure that the integrity of the [Department/Office] is maintained through an internal system where objectivity, fairness, and justice are assured by an intensive, impartial investigation and review.

The Chief of Police responsibilities include but not limited to:

- (a) Recording, registering, and controlling the investigation of all complaints against officers.
- (b) Supervising and controlling investigations of alleged or suspected misconduct within the [department/office].
- (c) Maintaining the confidentiality of internal affairs investigations and records.
- (d) Ensuring updated copies of policies relating to the administration of the Chief of Police are disseminated to all members whenever changes are published.

1009.4 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the [Department/Office] should audit the log and send an audit report to the Chief of Police or the authorized designee.

1009.4.1 COMPLAINT FORMS

Personnel complaint forms can be obtained through the department's Records manager or supervisor.

1009.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be

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filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to that an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. Upon contact with the complainant, the supervisor shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person to obtain proper identification, signatures, photographs, or physical evidence as necessary.

1009.5 ADMINISTRATIVE INVESTIGATIONS

The Administration Sergeant or the supervisor in charge of the internal affairs function shall have direct access to the Chief of Police or the authorized designee. Allegations of misconduct will be administratively investigated as follows.

1009.5.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Sergeant or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within 24 hours of the [Department/Office] receiving the complaint.
 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Chief of Police are notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Personnel Department and the Shift Supervisor for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Chief of Police, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Buhl Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related

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investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

- (b) No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee should be compelled to submit to a polygraph examination, nor should any refusal to submit to such examination be mentioned in any investigation (Idaho Code 44-903; Idaho Code 44-904).

1009.5.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1009.5.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

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Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1009.5.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1009.5.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1009.6 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1009.7 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the [Department/Office], the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any [department/office] badge, identification, assigned weapons, and any other [department/office] equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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1009.8 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Buhl Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction.

No disciplinary action should be taken until an independent administrative investigation is conducted.

1009.9 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1009.9.1 SERGEANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Sergeant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Sergeant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Sergeant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Sergeant shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1009.9.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Sergeant for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the

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event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the [Department/Office]. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed their response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1009.9.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1009.9.4 DISCIPLINE

Disciplinary actions should be administered progressively and according to the seriousness of the violation. Disciplinary action may include the following:

- (a) Training as a disciplinary function
- (b) Counseling as a disciplinary function
- (c) Punitive actions in the interest of discipline, including:
 - 1. Oral reprimand
 - 2. Written reprimand
 - 3. Loss of leave
 - 4. Suspension
 - 5. Demotion
 - 6. Termination from employment

[Insert your specific procedures and criteria consistent with standard 2.3 – see the Guide Sheet for additional guidance.]

1009.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review

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the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1009.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1009.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1009.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1009.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Buhl Personnel Policy Section.

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1009.15 NOTIFICATION TO IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

The Chief of Police or the authorized designee shall notify the Idaho Peace Officer Standards and Training (POST) Council whenever any officer resigns or is terminated as a result of any disciplinary action. The notification shall be made within 15 days of the resignation or termination (Idaho Code 19-5109).

1009.16 CONFIDENTIALITY OF PERSONNEL FILES

Generally, investigations of personnel complaints are confidential and protected employee personnel files, the contents of which shall not be revealed to anyone other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal investigation and such false representations are communicated publicly, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

The Chief of Police shall securely maintain the investigative file and report for the period required by the Department's record retention schedule.

Seat Belts

1010.1 POLICY

It is the policy of the Buhl Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.2 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1010.2.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1010.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, rented or operated by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are also properly restrained (Idaho Code 49-673).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1010.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1010.5 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1010.6 TRANSPORTING CHILDREN

Children 6 years of age and under should be transported in compliance with Idaho's child restraint system requirements (Idaho Code 49-672).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles, provided this positioning meets federal safety standards the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should consider arranging alternative transportation when feasible.

1010.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Buhl Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Buhl Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1011.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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Body Armor

1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1011.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Police Department Personnel Files

1012.1 PURPOSE AND SCOPE

This section governs the maintenance and access to police Department Personnel Files in accordance with established law. It is the policy of this department to maintain the confidentiality of police personnel records.

1012.2 PERSONNEL FILES DEFINED

Police Department personnel record shall include any file maintained under an individual employee's name relating to:

- (a) Personnel data, including marital status, family members, educational and employment history, or similar information;
- (b) Election of Employee Benefits;
- (c) A disposition ledger for complaints concerning an event or situation in which the employee participated; and pertaining to the manner in which the employee performed official duties, commendations; or,
- (d) A disposition ledger for use of force, officer-involved traffic collisions, and vehicle pursuits; or,
- (e) Any other information, which, if disclosed, would constitute an unwarranted invasion of personnel privacy.

1012.3 MAINTENANCE OF PERSONNEL FILES

Personnel records will generally be maintained in any of the following ways:

1012.3.1 DEPARTMENT PERSONNEL FILE

Files which are maintained in the office of the Chief of Police as a permanent record of a Police Department employee's employment with this department.

1012.3.2 DIVISION FILE

A file which is maintained electronically and/or physically in the Office of the Chief of Police for the purpose of hosting commendations and disciplinary memos so that performance evaluations may be completed in a thorough and timely manner.

1012.3.3 ADMINISTRATIVE INVESTIGATIONS FILES

Those files contain:

- (a) Complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.
- (b) Investigations and dispositions on an employee's use of force.
- (c) Investigations and dispositions of an employee's participation in a traffic accident or vehicle pursuit.

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1012.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

All of the above-defined personnel records shall be deemed CONFIDENTIAL and shall not be subject to disclosure except pursuant to discovery procedures set forth in Idaho Code Sections 9-335 through 9-348.

1012.5 REQUEST FOR DISCLOSURE

All requests for the disclosure of any information contained in any Police Department personnel record shall be promptly brought to the attention of the Chief of Police.

Upon receipt of any such request, the Chief of Police shall notify the affected employee(s) as soon as practicable that a request has been made.

The Chief of Police shall further ensure that an appropriate response to the request is made in a timely manner. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee(s) Personnel file shall be logged in the corresponding file.

1012.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own Personnel file(s) during normal business hours of the individual(s) responsible for maintaining such file(s). Copying of any documents, videos, audio or photographs contained in such file(s) must be authorized by the Chief of Police, who may also require such request be in writing and include what documents are to be copied and for what reason. Employees are restricted from accessing the following files:

- (a) Pre-employment files, letters of recommendation and initial entry level test results.
- (b) Ongoing Administrative investigations pending final disposition or notice to the employee of the intent to discipline.
- (c) Administrative Investigations files which have not been sustained against the employee to the extent that such files contain confidential information.
- (d) Original records shall remain in the file; however, an employee may request copies of them.
- (e) The Chief of Police, in keeping with the requirements of the Public Records Acts, may release non-privileged information from a file, after a written and signed receipt has been submitted from an authorized person with a need to review it.
- (f) No Member shall alter, add or remove any document in the file.

1012.7 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential Police Department personnel record shall be disclosed to anyone without authorization of the Chief of Police or his designee.

The disposition of any citizen's complaint shall be released to the complaining party within thirty (30) days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

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The Department may also release any factual information concerning a disciplinary investigation of the officer who is the subject of the investigation (or officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to acts, which refute any such false statement.

1012.8 PERSONNEL FILES TYPES

Police Department personnel files may be stored on several locations throughout the Police Department as described below.

1012.8.1 PERSONNEL FILE

The Department Personnel files may contain, but are not limited to, the following:

1. **Performance evaluation reports** regularly completed by appropriate supervisor(s) and signed by the affected employees shall be permanently maintained.
2. **Disciplinary Action**
 - (a) Formal (e.g. written reprimand, suspension, demotion, or termination) disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained permanently in the individual employee's Personnel file;
 - (b) Formal (e.g. written reprimand, suspension, demotion, or termination) disciplinary action resulting from a sustained citizen's complaint shall be maintained permanently in the individual employee's Personnel file;
 - (c) Verbal admonishments (or reprimands) shall not be maintained in the employee's Personnel file, but the disposition of the reprimand shall be logged on the disposition ledger in the
1. **Disposition Ledger** of all internal/external complaints and reprimands, uses of force, and traffic accidents and pursuits. The disposition of verbal admonishments shall be maintained on the disposition ledger in a Personnel file only while the reprimand remains in the employee's Divisional file. When the verbal reprimand is removed from the Division file, it shall also be removed from the disposition ledger.
2. **Adverse Comments**, such as supervisor log entries, may be retained in the Personnel File after the employee has had the opportunity to read and initial the comment for a period up to five (5) years.
 - (a) Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within thirty (30) days;
 - (b) Any such employee response shall be attached to and retained with the original adverse comment;
 - (c) If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.

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3. **Commendations** shall be retained in the employee's Personnel file with a copy provided to the involved employee(s)
4. **Personnel Action Reports** reflecting assignments, promotions and other changes in the employee's employment status may be placed in the file.
5. **A photograph** of the employee.

1012.8.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct, and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.
 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
 2. Duplicate copies of items, which will also be included in the employee's Department Personnel file, may be placed in the interim file in anticipation of completing any up coming Performance Evaluation.
 3. Once the permanent Performance form has been made final, the underlying foundation material(s) and/or duplicate copies may be purged in accordance with the policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the Division File.
- (c) Documentation of verbal admonishments.

Purging of Verbal Admonishments: Generally, verbal admonishments will be removed from an employee's Division file after one (1) year. When the verbal admonishment is purged from the Division file, it will also be removed from the disposition ledger in the employee's Personnel file.

1012.8.3 TRAINING FILES

The Training Files should contain records of all training (original or photocopies of available certificates, transcripts, diplomas, and other documentation) and education.

- (a) It is the responsibility of the individual employee to provide the supervisor or Chief of Police with evidence of completed training/education in a timely manner.
- (b) Supervisor or Chief of Police shall ensure that copies of such training records are placed in the employee's Department Training file.

1012.8.4 ADMINISTRATIVE INVESTIGATIONS FILES

The Administrative Investigations files shall be maintained under the exclusive control of the Administrative Staff in conjunction with the Office of the Chief of Police. Access to these files may only be approved by the Chief of Police. These files Shall contain:

- (a) The complete investigation of an employee's use of force, traffic accidents, vehicle pursuits, and all formal complaints of misconduct, regardless of disposition:
 1. Each investigation file shall be sequentially number within a calender year (e.g. 97-001, 97-002);

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2. Each investigation file arising out of a formal citizen's complaint and investigation files arising out of internally generated complaints, shall be permanently maintained.
 - (b) Investigations, which result in other than a "sustained" finding, shall be maintained for the minimum period, but may not be used by the Department to adversely affect an employee's career.

1012.8.5 FIREARMS QUALIFICATION FILES

Each sworn member is required to qualify with department firearms and a file will be maintained on each member for qualification attended.

- (a) The range master will keep a file on each member of the department for qualifications attended.
- (b) The Chief of Police will keep in the employees training file a copy of the qualification attended results.

1012.8.6 MEDICAL, STATUS CHANGE, PERSI, CHILD SUPPORT, GARNISHMENTS, PAYROLL DEDUCTIONS, AND OTHER EMPLOYEE BENEFIT FILES

The Human Resource Department maintains these files related to a member's employment with this department in their office. Members requesting to review such files shall contact the Human Resource Department.

1012.9 PURGING FILES

Refer to Buhl City Personnel Manual governing this topic.

1012.9.1 PURGING OF PERSONNEL, ADMINISTRATIVE INVESTIGATIONS, AND DIVISION FILES OF FORMER POLICE DEPARTMENT EMPLOYEES

The Department shall retain all official files of former sworn employees for a period of at least five (5) years from the date of service of employment. The department shall retain all official files of former non-sworn employees for a period of at least two (2) years from the date of severance of employment. Official files of former employees may be retained longer, or purged sooner, pending any legal or official mandate.

- All purging of official files shall be reviewed and approved by the Administrative Staff and City Attorney. Destruction of official files shall be conducted in accordance with Idaho Law.
- The Administrative Staff shall maintain a log which outlines the disposition of all former official files of former Police Department employees.

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five (5) years from the underlying complaint date.

- Each supervisor responsible for completing the employee's Performance Evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the five (5)-year period for reasons other than pending litigation or other ongoing legal proceedings.

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- If a supervisor determines the records of prior discipline should be retained beyond the five (5)-year period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

Request for Change of Assignment

1013.1 PURPOSE AND SCOPE

It is the intent of this department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1013.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Sergeant.

1013.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1013.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Sergeant of the employee involved. In the case of patrol officers, the Shift Supervisor must comment on the request with his/her recommendation before forwarding the request to the Sergeant. If the Shift Supervisor does not receive the Change of Assignment Request Form, the Sergeant will initial the form and return it to the employee without consideration.

Fitness for Duty

1014.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the [Department/Office] and the community. The purpose of this policy is to ensure that all members of this [department/office] remain fit for duty and able to perform their job functions.

1014.2 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this [department/office] to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the position. During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another [department/office] member is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

1014.3 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to perform their duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1014.3.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform their duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document their observations and actions in a written report and inform the Shift Supervisor or the member's Sergeant.

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Fitness for Duty

1014.3.2 DUTY STATUS

In conjunction with the Shift Supervisor or the member's Sergeant, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of their job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of their job, the Shift Supervisor or the member's Sergeant should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1014.4 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period.
- 30 hours in any two-day (48 hours) period.
- 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1014.5 POLICY

The Buhl Police Department strives to provide a safe and productive work environment and ensure that all members can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the [Department/Office] may require a professional evaluation of a member's physical and/or mental capabilities to determine their ability to perform essential functions.

1014.6 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1014.6.1 PROCESS

The Chief of Police, in cooperation with the Personnel Department, may order the member to undergo a fitness-for-duty evaluation.

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Fitness for Duty

The examining practitioner will provide the [Department/Office] with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the [Department/Office] will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Personnel Department.

1014.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE

This policy provides guidelines for meal periods and breaks for department members.

1015.1.1 MEAL BREAKS

Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1015.1.2 REST BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the **FIRST** or **LAST** hour of an employee's shift.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios.

Lactation Breaks

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1016.2 POLICY

It is the policy of the Buhl Police Department to provide, in compliance with federal law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt [department/office] operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1016.4 PRIVATE LOCATION

The [Department/Office] will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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Lactation Breaks

1016.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the [Department/Office] shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records

1017.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1017.2 POLICY

The Buhl Police Department maintains timely and accurate payroll records.

1017.3 RECORDS

The Administration Sergeant shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

1017.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1017.5 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

Outside Employment

1019.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the sole discretion of the Chief of Police in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that this department may be reimbursed for the cost of wages and benefits.

1019.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by this department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

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- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of the policy of this department, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a regular duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has returned to a regular duty status.

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

This department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of this department's time, facilities, equipment or supplies, and/or the use of this department's badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient.
- (e) Is performed during assigned duty hours.
- (f) Requires police powers or any real or implied law enforcement services as a condition of employment.
- (g) Constitutes a threat to the status or dignity of law enforcement.

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- (h) Presents a potential conflict of interest between duties as a an officer and outside employment, including, but not limited to:
 - 1. Process server.
 - 2. Repossessor.
 - 3. Bill collector.
 - 4. Vehicle towing.
 - 5. Personnel investigations or other employment which might require access to officer restricted files.
 - 6. Assisting in the case preparation for the defense in any criminal or civil action or proceeding.
 - 7. Employment for a business or labor group that is on strike.
 - 8. Occupations regulated or licensed through any law enforcement agency.

1019.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking outside security services from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear this department's uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.

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- (d) No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the policy of this department. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Sergeant, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1019.4 DEPARTMENT RESOURCES

Employees are prohibited from using any equipment or resources of this department in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1019.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, this department may request that an officer provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, this department becomes concerned that a conflict of interest exists based on a financial reason, this department may request that the employee provide his or her personal financial records for review/audit. If the employee elects not to provide the requested records, his or her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits subsection of this policy.

1019.5 CHANGES TO OUTSIDE EMPLOYMENT

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

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Outside Employment

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Members of this department engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five (5) days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Buhl Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1020.1.1 DEFINITIONS

Definitions related to this policy include (Idaho Code 72-102):

Accident - An unexpected, undesigned, and unlooked for mishap that causes injury, is connected with the industry in which it occurs, and can be reasonably located as to the time when and place where it occurred.

Occupational disease - A disease due to the nature of employment in which the hazards of such disease actually exist and are characteristic of, and peculiar to, the occupation or employment. Psychological injuries, including post-traumatic stress injuries, are included if the conditions set forth in Idaho Code 72-451 are met.

Work-related injury - A personal injury caused by an accident arising out of and in the course of employment.

1020.2 RESPONSIBILITIES OF THE DEPARTMENT

The Buhl Police Department bears an obligation to develop guidelines to educate employees on safe work practices, provide a safe work environment for all employees and insure the employees follow safety procedures and practices. In addition, the Department is responsible for the timely investigation and documentation of all On Duty Injuries or illnesses, assessment of incidents which result in an On Duty Injury or illness, and implementation of corrective action to prevent further accidents or exposures from recurring.

1020.3 RESPONSIBILITIES OF DEPARTMENT EMPLOYEES

All employees of the Buhl Police Department are responsible for compliance with all safe work practice guidelines to insure safety on the job. Employees should immediately report to their supervisor any unsafe practices, situations or conditions. Further, it is the responsibility of all employees to immediately report to their supervisor any On Duty Injury, however slight, and fill out all applicable reports regarding the injury during the shift the injury occurred.

1020.4 DEFINITIONS

- (a) **Confidential:** Medical records of individuals receiving medical treatment, in whole or in part, at the expense of the City of Buhl, shall not be made available for inspection by members of the public. Records will be made available to management, in response to subpoena, and to individuals when the employee signs a medical release.

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- (b) **Employee:** Any person who occupies a permanent, full time position and/or a permanent, part-time position with the Buhl Police Department. This includes employees during their probationary period.
- (c) **On Duty Injury Report:** Record of report of On Duty Injury filled out by the employee and signed by their immediate supervisor or Chief of Police at the time of the injury.
- (d) **Medical Records:** Any record kept by a licensed physician, licensed Nurse, emergency medical facility, any other medical facility, or any place records are kept that documents an employee's medical treatment.
- (e) **On Duty Injury (ODI) Attending Physician Form:** Form that must be completed by the attending physician at the time of the injury in order for the physician to document the employee's treatment and their immediate return to duty or the need for the employee to be off work or return to duty in a limited capacity.
- (f) **Personal Protective Equipment (PPE):** Any clothing or equipment, whether furnished by the department or not, that is intended to protect the employee from injury, illness or death while performing their assigned job duties.
- (g) **Signed Release:** Form signed by the employee to release medical records.
- (h) **Universal Precautions:** Use of gloves, gown, mask, and eye protection when there is a reasonable expectation of exposure to blood or other potentially infectious materials.

1020.5 ON DUTY INJURY

- (a) **What Constitutes an On Duty Injury:**
 1. During an employee's assigned work hours, any incident that causes injury or occupational illness arising out of and in the course and scope of the employee performing their job duties, regardless of the severity of the injury or occupational illness, or exposes the employee to blood or other potentially infectious materials is considered an On Duty Injury incident.
 2. An On Duty Injury incident may not reflect an immediate physical injury or illness to the employee. The incident may involve exposure to blood or other potentially infectious materials or to an occupational illness where no evident immediate injury occurs.
 3. **The On Duty Injury must be reported during the shift in which the incident occurred in order for the employee to be considered for future approval of lost time and medical care.**
- (b) **What is not considered to be an On Duty Injury:**
 1. Injury or illness resulting from the adverse affects of medications taken not related to an On Duty Injury, any injury or illness resulting from the use of alcohol or from the use of illegal drugs.

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2. Misconduct, including horseplay, in violation of policy, procedure or safe work practices.
3. Intentional, self-inflicted injury while on duty.
4. Failure or refusal to use safety devices and/or personal protective equipment in violation of department policy.
5. Failure to perform a duty required by law.
6. Aggravation of an On Duty Injury while off duty.
7. Injuries suffered while in route to work, except when such travel was in the performance of the employee's assigned job duties.
8. Voluntary participation in physical fitness or recreational activities, during work hours or off duty hours, unless the activity is part of an organized program approved by the Chief of Police and is made mandatory by policy. Any department sponsored Physical Training would be covered as an On Duty Injury.
9. Fraudulent statements or falsification of departmental documents indicating that an On Duty Injury has occurred, when in fact it has not.

1020.6 PROCEDURES

When an employee is injured, or exposed to blood or other potentially infectious materials or to occupational illness when no evident injury occurs, the employee will immediately notify their supervisor of the injury. **This notification must be made during the employee's scheduled work shift.**

- (a) Upon notification of the supervisor by the employee, the supervisor will provide the employee with an On Duty Injury Report.
 1. The employee will fill out the On Duty Injury report, taking care to provide all the pertinent information regarding the incident and submit it to the supervisor.
 2. The employee will make a written statement, in narrative form, regarding the specific details of the incident in which the injury or exposure to infectious materials occurred.
 3. The employee and the supervisor will note any witnesses to the incident that resulted in the injury or illness and obtain written statements from the witnesses when practical.
 4. In the event that the injury immediately incapacitates the employee or makes it impractical to fill out the proper forms before medical treatment is sought, or if the injury is life threatening, the supervisor will fill out the form using the employee as a resource person or use the employee's file to complete the form(s).

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5. As soon as is practical, the supervisor or Chief of Police will fill out a Supervisor's Accident Report (SIF 17-82) and retain a copy in the employees file as permanent record of the incident which resulted in the injury or illness.
 6. As soon as is practical, the supervisor or Chief of Police will fill out a "Workers Compensation €š" First Report of Injury or Illness" form (SIF 08/09E) and if applicable, due to treatment of the injury or illness requiring medical services other than basic first aid, will forward the form to the State Insurance Fund offices within ten (10) days per the instructions on the form.
 7. If an employee is ordered to remain off work due to On Duty Injury or illness, the employee must present documentation via the On Duty Injury Attending Physician Form.
- (b) The supervisor should make no medical determination of the employee's injury.
1. If the employee's injury is such that immediate medical treatment is needed or if the injury is life threatening an ambulance should immediately be dispatched to the location of the employee. The supervisor should make sure the ambulance personnel denote that the injury or illness is an On Duty Injury.
 2. If no ambulance is needed for immediate treatment, but the employee is unable to go to a medical facility without assistance, or if non-emergency medical treatment of the injury is required, the supervisor will accompany the employee to the medical facilities designated by the City of Buhl (See section 1042.7).
 3. If, in the employee's assessment of the situation, there is no need for immediate medical attention, and after the On Duty Injury Report is completed, the employee will return to their regular duty assignment at the time of the injury/ incident. The On Duty Injury Report should be marked "Notice Only" if no medical treatment is immediately sought.

1020.7 RECEIVING MEDICAL TREATMENT FOR AN ON DUTY INJURY

- (a) For an On Duty Injury that requires medical treatment, the employee should report to the approved Workers Compensation medical care providers designated by the City of Buhl, which are posted in a conspicuous location in the city hall and are as follows in order of preference:
1. **Magic Valley Occupational Health** Medical Plaza 775 Pole Line Rd. W. #101, Twin Falls, Idaho 83301 (208) 814-8100 8 A.M. to 6 P.M. Monday through Friday
 2. **Physicians Center** Medical Plaza 775 Pole Line Rd. W. #105, Twin Falls, Idaho 83301. (208) 814-8000 6 P.M. to 8 P.M. Monday through Friday, 9 A.M. to 4 P.M. Saturday

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3. If outside the above hours, go to: **St. Luke's Magic Valley Regional Medical Center Emergency Department** 801 Pole Line Rd. W., Twin Falls, Idaho 83301. (208) 814-1000
 - (b) The employee or supervisor should call for an appointment at (208) 737-2906. If it is an emergency, the employee or supervisor should call ahead and inform the medical provider(s) of the name of the patient and that they are on the way per St. Luke's Magic Valley Regional Medical Center policy.
 - (c) If an employee chooses to go to a medical provider not listed above and/or posted prominently in the city hall, or to the employee's personal primary care physician, the employee may jeopardize insurance payments for their medical care related to an On Duty Injury.

1020.7.1 INJURIES WHILE OUT OF AREA ON DEPARTMENTAL BUSINESS

An employee who is injured while outside the City of Buhl on official department business, on departmental time (i.e. for training) should seek emergency medical treatment from the nearest healthcare provider. The employee should advise the healthcare provider that they have been injured "on the job." If possible the healthcare provider should coordinate follow up examinations at the approved medical providers outlined above. As soon as is practical the employee's supervisor or the Chief of Police should be notified and an On Duty Injury Report should be filled out.

1020.7.2 RECEIVING MEDICAL TREATMENT - EXAMINATION(S)

- (a) The employee will be examined by the approved emergency facility physician or approved clinic physician who will attend to the employee's injury.
- (b) It is the duty of the employee to inform the examining physician(s) that the treatment is for an On Duty Injury.
- (c) After diagnosis and treatment of the injury, the physician will make a determination of the employee's ability to return to work. If the physician determines the employee should remain off work, the physician will document the period of time for the employee to be off work and the date the employee is to resume work on the On Duty Injury Attending Physician Form. This form must be completed by the attending physician and immediately returned to the Chief of Police. A copy of the emergency facility medical record is **not** sufficient. **Note: If the employee does not require follow up treatment for the injury, the employee will return to work on the date specified by the treating physician.**
- (d) If after diagnosis and treatment of the employee's injury, the treating physician determines the employee can return to work without lost work time, the employee will return to their regular duty assignment.
- (e) If after diagnosis and treatment of the employee's injury, the treating physician, whether an emergency room physician or a clinic physician, determines the injury will

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require lost time from duty then the On Duty Injury Attending Physician Form should immediately be given to the Chief of Police. The Chief of Police will then complete the "Workers Compensation First Report of Injury or Illness" form (SIF 08/09E), check it for accuracy, and forward it to the State Insurance Fund offices in a timely manner.

- (f) If follow up visits to a physician are required for the injury, the following procedures should be followed:
1. The employee will have the attending physician document treatment regarding the employee's injury with an On Duty Injury Attending Physician form for **each** follow-up visit, which should be immediately forwarded to the Chief of Police for an update of the employee's work status.
 2. If during the course of treatment the employee is referred to a specialist or surgeon for further treatment of the injury or illness, it is the duty of the employee to insure that the specialist(s) be informed that the injury is work related and provide the specialist(s) with all applicable case numbers and information regarding Workers Compensation benefits and treatment.
 3. If an employee is ordered by the initial treating physician to remain off work until seen by a medical specialist, once the employee is seen by the medical specialist and this physician orders the employee to remain off work for an additional period of time, the physician must document the time for the employee to remain off work and the date the employee is to return to work with the On Duty Injury Attending Physician Form. The On Duty Injury Attending Physician Form should then be immediately forwarded to the Chief of Police.
- (g) If an employee changes the attending physician for an On Duty Injury **without** following the guidelines set forth by the State Insurance Fund for Workers Compensation claims, payments of benefits to the new attending physician are subject to denial and benefits may be withdrawn according to Idaho law and/or administrative rules.
- (h) Once an employee is determined by the attending physician to be medically capable of returning to work in a full duty capacity, the employee should report to their assigned duties as scheduled by the Chief of Police.

1020.7.3 RETURN TO FULL DUTY - FAILURE TO REPORT

Failure to submit the On Duty Injury Attending Physician Form documenting the return to duty status and date of return from the treating physician that results in the employee remaining off work beyond those days approved by the physician is considered an unauthorized leave of absence and may result in disciplinary action up to and including termination.

1020.8 FITNESS FOR DUTY EXAMINATION

The Department and the City of Buhl reserve the right to require, prior to an employee returning to full-duty status, a fitness-for-duty examination of any employee who has been previously assigned

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to "light duty", modified duty or has been unable to report for duty due to an On Duty Injury. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide an On Duty Injury Attending Physician form signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assigned job description without restriction or limitation.

1020.9 MODIFIED DUTY ASSIGNMENTS

See Policy 1054, Modified Duty Assignments

1020.10 COMPLIANCE WITH PHYSICIAN INSTRUCTIONS/RESTRICTIONS

If during the course of treatment for On Duty Injury by an approved physician an employee is granted a Modified Duty Assignment or "light duty" assignment by the Chief of Police, the instructions of the attending physician will be followed strictly. At no time should an employee perform any duty or function in conflict with a physicians order, nor should a supervisor or the Chief of Police require an employee to perform any function or duty in conflict with the physician's restrictions.

1020.11 NOTIFICATION OF PRESCRIPTION DRUG USAGE

- (a) An employee who has been cleared by a physician to return to work, whether on a modified duty assignment or to full-duty status will notify the Chief of Police of any prescription drugs which are in use by the employee prior to returning to duty.
- (b) At no time shall any employee be allowed to work while taking narcotic prescriptions or other non-narcotic prescriptions which would impair their ability to operate motor vehicles or machinery.
- (c) Any employee found to be taking prescription medications while on duty, without first notifying the Chief of Police, will be subject to disciplinary actions, up to and including termination.

1020.12 USE OF PERSONAL LEAVE OR COMP TIME - LOST TIME INJURY

While an employee is being compensated for lost wages by the State Insurance Fund as part of a Workers Compensation claim or personal disability policy as a result of lost time due to an On Duty Injury, the employee may be allowed to use Personal Leave or Comp Time if the use of said benefits do not constitute a violation of the law.

1020.13 CONVALESCENCE

- (a) An employee who has been placed on restrictions which would keep them from performing their assigned duties, are receiving compensation, and are off work for rehabilitation and treatment shall not engage in any gainful employment.
- (b) An employee who has been placed on restrictions which would keep them from performing their assigned duties, are receiving compensation, and are off work for

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rehabilitation and treatment shall not engage in any activity which would further aggravate the On Duty Injury in violation of a physician's order.

1020.14 AGGRAVATION OF OLD INJURIES

- (a) Aggravation of pre-existing injuries may be covered under On Duty Injury guidelines, whether the pre-existing injury was non-occupational or work related. The employee must show the pre-existing injury was aggravated as a result of the performance of their job. Complete medical documentation regarding the aggravation of the pre-existing injury must be completed per the guidelines set forth in this policy for any other On Duty Injury.
- (b) When an employee has an aggravation of an old injury, the employee must document the aggravation by filling out a new On Duty Injury Report. The incident should be reported and documented as if it were a new injury. The On Duty Injury Report must be filled out completely and accurately. It must describe the nature of the aggravation and details of the incident which produced the aggravation, and not a description of the original incident resulting in injury. However, the original date of injury must also be listed in the appropriate space on the On Duty Injury Report form.

1020.15 DISABILITY BENEFITS

Officers who are injured in the line of duty and suffer a permanent disability may be eligible for benefits. Information can be obtained at www.psob.gov

1020.16 POLICY

The Buhl Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Idaho Code 72-101 et seq.).

1020.17 RESPONSIBILITIES

1020.17.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1020.17.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

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1020.17.3 SERGEANT RESPONSIBILITIES

The Sergeant who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administration Sergeant.

1020.17.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1020.18 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Sergeant through the chain of command and a copy sent to the Administration Sergeant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1020.19 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1020.19.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1021.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1021.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail. The Chief of Police will have final discretion when determining the appropriateness of Hairstyles.

1021.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1021.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1021.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1021.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1021.3 TATTOOS

While on-duty or representing the Buhl Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1021.3.1 DEFINITIONS

Tattoo: Any marking of the skin with indelible patterns, pictures, legends, etc., by making punctures in the skin and inserting pigments. This definition shall not include permanent make-up and cosmetics.

1021.3.2 CONCEALMENT OF OFFENSIVE TATTOOS

While on duty or representing the Buhl Police Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art which may be offensive to the community.

1021.3.3 EXPOSED TATTOOS

While on duty or representing this department in any official capacity, officers may have exposed tattoos from the bottom of the short sleeve uniform shirt, just above the elbow, on the forearm, and to the wrist, which are not in violation of the provisions of Section 1023.3.4. Tattoos must not be exposed or visible above the collarbone or collar line when wearing a properly fitted, department issued uniform shirt with an open collar and acceptable undershirt (including the back and side of the neck and head). Tattoos on the exposed portions of the leg, when in department approved uniform shorts, are also subject to the provisions of Section 1023.3.4.

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1021.3.4 PROHIBITED TATTOOS

- Tattoos on the hands, face, neck, or scalp are **prohibited**. Exceptions: One "ring style" finger tattoo per hand is permitted on the ring finger between the second and third knuckle closest to the hand where a ring would normally be worn.
- Tattoos which are potentially offensive to the community, including but not limited to:
 - Depictions of racism or racist symbols;
 - depictions of human nudity;
 - sexually suggestive or explicit references, innuendo, acts;
 - profanity in any language;
 - recognized gang symbols and/or symbols memorializing subversive organizations (i.e. swastikas, or similar imagery);
 - anti-government imagery;
 - narcotics or narcotics paraphernalia imagery or symbolism;
 - any symbolism which undermines City of Buhl or Buhl Police Department values; and
 - political in nature.

1021.3.5 DETERMINATION OF APPROPRIATENESS OF TATTOOS

The Chief of Police will courteously accept input from the citizens of the City of Buhl regarding the appearance of officers, including exposed tattoos when in the uniform of the Buhl Police Department. When a citizen expresses a concern that any tattoo is potentially offensive the Chief of Police will review the complaint and make a determination as to whether the tattoo(s) in question are potentially offensive to the public served by the Buhl Police Department.

Additionally, employees who wish to obtain a new tattoo in a location on their body which falls under the provisions of this policy are encouraged, but not required to, review the location, design, and imagery of the proposed tattoo to have a determination made as to whether the tattoo would need to be covered while the employee is acting in an official capacity or is prohibited under this policy.

The Chief of Police will have final discretion when determining the appropriateness of exposed tattoos.

1021.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- Tongue splitting or piercing.
- The complete or transdermal implantation of any material other than hair replacement or other reasonable cosmetic alterations.

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- Abnormal shaping of the ears, eyes, nose or teeth.
- Visible branding or scarification.

If there is any question about a body piercing or alteration being in violation of this policy, the member shall request review by the Chief of Police prior to obtaining the procedure.

Nepotism and Conflicting Relationships

1023.1 PURPOSE AND SCOPE

Refer to the City of Buhl Policy and Procedure Manual governing this topic.

Police Department Badges

1024.1 PURPOSE AND SCOPE

The Buhl Police Department badge and uniform patch as well as the likeness of these items and the name of the Buhl Police Department are property of the Police Department and their use shall be restricted as set forth in this policy.

1024.2 POLICY

The uniform badge shall be issued to Police Department members as a symbol of authority and the use and display of issued or purchased badges shall be in strict compliance with this policy. Only authorized badges issued by the Police Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1024.2.1 FLAT BADGES

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of policy as the uniform badge.

- (a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Buhl Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Police Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1024.2.2 CIVILIAN PERSONNEL

Badges and Police Department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any law enforcement badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any law enforcement badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1024.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1024.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The badge, shoulder patch or the likeness thereof, or the name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and name for all material (printed matter, products or other items) developed for use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1024.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the badge for merchandise and official association business provided they are used in a clear representation of the association and not the Buhl Police Department.
 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 2. The badge number portion displays the initials of the employee association.
- (b) The likeness of the badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Temporary Modified-Duty Assignments

1025.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandum of understanding, or collective bargaining agreement. For example, nothing in this policy affects the obligation of the [Department/Office] to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1025.2 POLICY

Subject to operational considerations, the Buhl Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1025.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Idaho Human Rights Act shall be treated equally, without regard to any preference for a work-related injury.

No position in the Buhl Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the [Department/Office]. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1025.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Sergeants or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Sergeant will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Personnel Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Sergeant, with notice to the Chief of Police.

1025.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Sergeant.

1025.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Sergeant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1025.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Sergeant of the status and performance of employees assigned to temporary modified duty.

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- (b) Notifying the Sergeant and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1025.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the [DepartmentOffice] should make reasonable efforts to provide an accommodation for the employee in accordance with federal law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4).

1025.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1025.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1025.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Performance History Audits

1026.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1026.2 RESPONSIBILITIES

Under the authority of the Administration Sergeant, the Chief of Police is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate quarterly performance history audit reports that will be provided to the appropriate Sergeant. The Chief of Police will utilize confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare the report. Though generated quarterly, each report should contain data from a one-year time period.

The Administration Sergeant should forward a copy of each performance history audit report to the City Attorney for review and retention as attorney work product and confidential personnel information.

1026.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1026.3.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include but are not limited to the frequency and/or number of:

- (a) Use of force incidents.
- (b) Involvement and conduct during vehicle pursuits.
- (c) Personnel complaints, including the findings.
- (d) Commendations, compliments, and awards from the [Department/Office] and the public.
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Personnel investigations.

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- (h) County Prosecutor case rejections and the reasons.
- (i) Intentional or unintentional firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling.

1026.3.2 DATA ANALYSIS

The Administration Sergeant will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1026.3.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant intervention to improve officer performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training, or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Sergeant of such recommendation. If the Sergeant concurs with the recommendation of the supervisor, the supervisor shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

1026.3.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Administration Sergeant, after discussion with the officer's immediate supervisor, about the need, type, and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1026.4 EMPLOYEE NOTIFICATION AND RESPONSE

The Chief of Police will notify each officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected officer may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1026.5 CONFIDENTIALITY OF DATA

Information, data, and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject

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to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Peace Officer Personnel Files Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1026.6 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

1026.7 POLICY

The Buhl Police Department collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the [Department/Office] recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

1026.8 PROCESS EVALUATION

The Administration Sergeant shall conduct a documented annual evaluation of the performance history audit process.

Employee Speech, Expression and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1027.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1027.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Buhl Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1027.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Buhl Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1027.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Buhl Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Buhl Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Buhl Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness (e.g., posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior).
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Buhl Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Idaho Code 74-402).

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- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Buhl Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Buhl Police Department or identify themselves in any way that could be reasonably perceived as representing the Buhl Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Idaho Code 74-402):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Buhl Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or

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indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers or networks.

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1027.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Illness and Injury Prevention

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Buhl Police Department.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1028.2 POLICY

The Buhl Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1028.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Sergeant is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

1028.4 ADMINISTRATION SERGEANT RESPONSIBILITIES

The responsibilities of the Administration Sergeant include but are not limited to:

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- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Personal protective equipment (PPE) (see the Personal Protective Equipment Policy)
 - (b) Bloodborne pathogens
 - (c) Fire safety
 - (d) Means of egress
 - (e) Tuberculosis
 - (f) Emergency Action Plan (29 CFR 1910.38)
 - (g) Walking-Working surfaces (29 CFR 1910.21 et seq.)
- (e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1028.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

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- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Sergeant.
- (e) Notifying the Administration Sergeant when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1028.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Sergeant via the chain of command.

The Administration Sergeant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1028.7 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

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A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from recurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1028.8 TRAINING

The Administration Sergeant should work with the Chief of Police to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1028.8.1 TRAINING TOPICS

The Chief of Police shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.

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- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1028.9 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

1028.10 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Sergeant shall ensure that the appropriate documentation is completed for each inspection.

1028.10.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

Liability Protection

1029.1 PURPOSE AND SCOPE

In accordance with Idaho Code 6-903 (Liability of governmental entities - Idaho Tort Claims Act), the city provides liability protection for its personnel and those asked to assist them. This insurance protects employees for actions, or omissions directly related to their law enforcement function. Within stated policy limits, this protects employees from acts or omissions leading to personal injury or death and/or property destruction which, in turn, could lead to civil action against the employee or city.

1029.2 GENERAL

The city's liability program protects police department employees for acts or omissions directly related to their law enforcement functions as required within the Idaho Tort Claims Act. Liability protection is provided in a variety of ways, typically including officers' liability coverage, vehicle liability coverage, and self-insurance.

Since the exact components of liability protection are subject to periodic change through contract expiration and renegotiations, any employee desiring to know the specific components then in effect may contact the city clerk.

1029.3 EMPLOYEES COVERED

All officers, reserve officers, code officers, and full-and part-time civilian employees of the department are covered by liability protection.

1029.4 NOTIFICATION OF SUIT OR CLAIMS

Any employee who receives notice in any form of actual or impending legal suit or claim, shall, as rapidly as possible, provide copies of any related documents he/she has received and explain the circumstances through command channels to the chief of police. The chief of police, shall, in turn, provide appropriate notification to both the city clerk and the city attorney.

1029.5 FINANCIAL LIABILITY

No employee shall imply or accept financial liability for loss or damage on behalf of the city. Any inquiries concerning financial liability will be referred to the city attorney.

1029.6 ACTS NOT COVERED

- (a) An act committed by an employee, or the department may not cover an omission of duty, which constitutes an illegal act and/or is intentional. Officers must be acting within the course and scope of their employment as identified within the Idaho Tort Claims Act. The department may not cover acting outside of their course and scope.
- (b) Officers are expected to display discretion and good judgment in their work. Law mandates some duties, others by custom or tradition. Liability may arise in either case. The department cannot avoid lawsuits; the department can control its liability by demanding strict adherence to the provisions of this manual.

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- (c) Officers are reminded that much litigation against them or the department will focus on the degree to which officers followed a policy or custom (defined as "a persistent, widespread practice") which, in itself, was alleged to be either unconstitutional, illegal, or the cause of an unjustifiable injury. If such a custom or policy is found by the court, the department may be held liable.
- (d) Officers may be held liable for misconduct in numerous ways:
 1. Violation of Idaho criminal law;
 2. Violation of departmental orders;
 3. Tort against a citizen;
 4. Violation of federal criminal civil rights statutes, 18 U.S.C. Sections 241 and 242.
 5. Violation of federal civil rights law, 42 U.S.C. Section 1983.

1029.7 CIVIL RIGHTS

- (a) Because of the prevalence of civil rights litigation against police officers in both state and federal courts, employees are here instructed in the content of 42 U.S.C. Section 1983. An officer is a person acting under color of law. An officer may be held personally liable for violating citizen's constitutional rights.
- (b) 42 U.S.C. Section 1983 reads: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and laws, shall be liable to the party injured on an action at law, suit in equity, or other proper proceeding for redress."
- (c) Officers are further reminded that the respondent superior concept does not apply to police departments in Section 1983 litigation. This principle provides that "the master is responsible for the acts of the servant." Generally, officers, and not their supervisors, are liable for their own misconduct. Questions about precisely what actions or behavior may be indemnified by the city must be directed to the chief of police, who will communicate further with the city attorney or outside counsel for the cities insurance program, regarding such matters.

1029.8 IMMUNITY

In court, officers do not automatically receive immunity from lawsuits simply because officers act in good faith. A recent Supreme Court case allows officers to claim qualified immunity when their actions do "not violate clearly established statutory or constitutional rights of which a reasonable person would have known" (Harlow v. Fitzgerald). To afford themselves the defense of qualified immunity, officers should learn as much as they can about established constitutional principles. In short, officers must have an objectively reasonable belief in the constitutionality of their actions.

Line-of-Duty Deaths

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Buhl Police Department in the event of the death of a member occurring in the line of duty and to direct the [Department/Office] in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty or retired member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.2 POLICY

It is the policy of the Buhl Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this [department/office] to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and SIRCOMM (Southern Idaho Regional Communications Center).
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Chief of Police section of this policy).
- (b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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- (c) If the member has been transported to the hospital, the Shift Supervisor or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the [Department/Office] Liaison as soon as practicable (see the Notifying Survivors section and the [Department/Office] Liaison and Hospital Liaison subsections in this policy).

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Supervisor, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the [Department/Office] chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in [department/office] vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the

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workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the [Department/Office] Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the [Department/Office] Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Buhl Police Department members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The [Department/Office] Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The [Department/Office] Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the [department/office] member that the survivors can call for more information following the notification by the assisting agency.
- (b) The [Department/Office] Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the [Department/Office] to pay travel expenses without the authorization of the Chief of Police.

1030.5 NOTIFYING [DEPARTMENT/OFFICE] MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying [department/office] members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the [Department/Office] regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) [Department/Office] Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the [Department/Office] Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available [department/office] resources. The [Department/Office] Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The [Department/Office] should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1030.6.1 [DEPARTMENT/OFFICE] LIAISON

The [Department/Office] Liaison should be a Sergeant or of sufficient rank to effectively coordinate [department/office] resources, and should serve as a facilitator between the deceased member's survivors and the [Department/Office]. The [Department/Office] Liaison reports directly to the Chief of Police. The [Department/Office] Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding [department/office] members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. [Department/Office] members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Buhl Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the [Department/Office], that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the [Department/Office] Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term [department/office] contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Sergeant. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the [Department/Office] Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the [Department/Office] and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of [department/office]-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the [department/office]'s Chief of Police (Chief of Police) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Chief of Police section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to [department/office] activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The [Department/Office] recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the [Department/Office] to facilitate communications necessary to the assignment. The [department/office]-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the [department/office] wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.
 - (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of [department/office] responsibilities until they can receive wellness support.
 - (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
 - (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
 - (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the [Department/Office] Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the [Department/Office], including but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using [department/office] vehicles and drivers.

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- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the [Department/Office] Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Buhl Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 2. Social Security Administration.
 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 1. Death benefits (Idaho Code 59-1361A; Idaho Code 50-1516)
 2. Education benefit (Idaho Code 33-4302)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

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- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the [Department/Office] Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1030.7 CHIEF OF POLICE

In the event of a line-of-duty death, the [department/office]'s Chief of Police should be the [department/office]'s contact point for the media. As such, the Chief of Police should coordinate with the [Department/Office] Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct [department/office] members to direct any media inquiries to the Chief of Police.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the [department/office] and deceased member's survivors.

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- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to [department/office] members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the Chief of Police should request that the media withhold the information from release until proper notification can be made to survivors. The Chief of Police should notify media when survivor notifications have been made.

1030.8 [DEPARTMENT/OFFICE] CHAPLAIN

The [Department/Office] chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting [department/office] members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1030.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved [department/office] members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

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1030.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1030.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty or of a retired member.

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1031.1 PURPOSE AND SCOPE

To establish job descriptions for the Buhl Police Department employees.

1031.2 CHIEF OF POLICE

(a) Summary:

1. Appointed by the Mayor and approved by the City Council, the chief of police is the chief administrative officer of the department and the final authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the department. Through the chief of police the department is responsible for the enforcement of all laws coming within its legal jurisdiction. The chief of police is responsible for planning, directing, coordinating, controlling and staffing all activities of the department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by proper authority and for the department's relations with local citizens, local government, and other related agencies. The chief is responsible for training of all members of the department. The chief shall have general charge of the police station and all property of the police department.

(b) General duties and responsibilities:

1. As necessary, recommends and makes recommendations for the adoption of new city ordinances or the amendment of existing ones.
2. Supervises the maintenance of police vehicles and any other equipment needed for the operation of the department.
3. Prepares periodic and special reports, and assures that adequate records are maintained of all department activities.
4. Controls the expenditure of department appropriations and prepares annual budget estimates of needs.
5. Plans and coordinates training of members in procedures, duties, and proper use of equipment.
6. Cooperates with other law enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
7. Receives and disposes of public complaints; attends civic club and school meetings to explain the activities and functions of the police department, and to establish favorable public relations.
8. In consultation with the mayor and police commissioner, formulates written administrative guidance in the form of policies, regulations, and other orders governing activities of the police department.

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9. Ensures compliance with all laws, which the department or its officers have the authority to enforce.
 10. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.
 11. Establishes a routine of daily duties to be performed by officers. Designates an officer to serve as commanding officer in his absence.
 12. Assigns, details or transfers any member or employee of the department to or from any assignment whenever he shall deem such action necessary for the efficiency, discipline or morale of the department.
 13. Ensures that all members have copies of the department's policy manual.
 14. Investigates all cases of alleged or apparent misconduct by department personnel.
 15. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
 16. Promulgates all general and special orders of the department and issues on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities.
 17. Supervises the safekeeping of all evidence and any property recovered, found or confiscated.
 18. Maintains a personnel record system in which shall be kept all pertinent information on all-departmental members and employees.
 19. Due to the size of the department, the chief may perform the duties of a police officer in enforcing the law.
- (c) Knowledge, skills and abilities:
1. Comprehensive knowledge of laws, rules, and court decisions relating the administration of criminal justice and law enforcement; comprehensive knowledge of scientific methods of crime detection, criminal identification and radio communication; comprehensive knowledge of controlling laws and ordinances; thorough knowledge of the geography of the city; demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other city, county, state and federal officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgment in emergencies; demonstrated integrity; tact.
- (d) Education and Experience:
1. A high school degree, four (4) years of college and possess a Bachelor Degree in Criminal justice, Public Administration or similar, possession of a valid Idaho driver's license, ten (10) years law enforcement, plus extensive experience in a variety of law enforcement tasks and functions, coupled with supervisory

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experience. Must have considerable knowledge in community policing and must possess an Advanced POST Certificate.

1031.3 LIEUTENANT

The Lieutenant position is an appointed position. The lieutenant is appointed by the Chief of Police and reports directly to the Chief of Police. This is a Department command position responsible for planning, organizing, and managing personnel and/or programs within the Buhl Police Department, as well as assisting in the development and implementation of goals, objectives, and policies for the department as a whole.

1031.3.1 SUMMARY

- (a) The lieutenant occupies the first level of supervision in the department. His/Her primary responsibility is exacting the proper performance of police duty from officers.
- (b) The lieutenant is charged with ensuring compliance with the department's regulations. He/Her handles all infractions and reports violations to the chief of police.
- (c) He/She shall thoroughly acquaint himself/herself with the duties of officers and shall assist and instruct the officers under his supervision in the proper performance of their duties.
- (d) He/Her shall be responsible for the proficiency, discipline, conduct, appearance, and strict attention to duty of all officers.

1031.3.2 GENERAL DUTIES AND RESPONSIBILITIES

- (a) Assists the police chief in formulating policies and regulations for the department; serves as acting chief in the absence of the chief.
- (b) Instructs and trains new police officers and assists them concerning difficult police problems and cases.
- (c) When necessary, performs all work required of a police officer.
- (d) Prepares reports on a variety of police department activities.
- (e) Supervises personnel assigned to him.
- (f) Maintains active, working knowledge of departmental rules, policies, procedures, and developments in the law that affect him and members under his supervision. Advises chief on policy matters.
- (g) Continuously audits the performance of members under his supervision to determine whether they are properly, effectively, and consistently carrying out their duties. In particular, compares field practices with the standards established through written orders.
- (h) Ensures that when the performance of a member under his command is unsatisfactory, measures are taken through encouragement, explanation, and referral to his supervisor or other means consistent with departmental policy to see that the member's future conduct is up to standard.

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- (i) Submits a written report to the chief regarding any member of the department who commits a serious breach of the regulations of the department, or where informal corrective measures prove inadequate. Included in this report, the complete details of the misconduct and of corrective measures attempted. Examples of types of misconduct, which would ordinarily be considered "serious" include, but are not, limited to the following:
 - 1. Flagrant refusal to obey orders.
 - 2. The commission of any criminal offense.
 - 3. Oral or physical abuse of a member of the public.
 - 4. Excessive use of force with a prisoner or other person.
 - 5. Absence without leave
 - 6. Excessive tardiness.
 - 7. A conflict of interest.
 - 8. Failure amounting to negligence to discover or act upon a felony or upon the existence of conditions dangerous to the health or safety of the public.
 - 9. Repeated failure to respond to orders, instructions or other admonitions to correctly execute duties.
- (j) Implements all orders received from the chief. To this end, thoroughly explains to departmental personnel under his command the content and meaning of new orders that affect their responsibilities.
- (k) Accountable for the actions or omissions of officers under his supervision which are contrary to departmental regulations or policy.
- (l) Responds to emergencies, incidents, or dispatches as required. Takes command of the situation until relieved by the chief of police.
- (m) Ensures that all officers receive, serve, or deliver warrants, summons, subpoenas or other official papers and performs relevant duties promptly and accurately.
- (n) Performs other duties as may be assigned by the chief.

1031.3.3 KNOWLEDGE, SKILLS, AND ABILITIES

Thorough knowledge of the rules and regulations of the department; thorough knowledge of approved principles, practices and procedures of police work; thorough knowledge of pertinent state laws, municipal ordinances and court decisions; thorough knowledge of the geography of the municipality and location of important buildings; commands respect of the officers and assigns, directs, and supervises their work; handles the public courteously and firmly and establishes and maintains satisfactory public relations; analyzes complex police problems and situations and adopts quick, effective, and reasonable courses of action; skilled in the use of police equipment.

1031.3.4 EDUCATION AND EXPERIENCE

- (a) A high school degree, considerable experience in supervisory work, current Idaho driver's license and a minimum of seven (7) years of police experience.

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- (b) At time of appointment, should possess a minimum of a P.O.S.T. "Intermediate" certificate.

1031.4 STAFF SERGEANT

At the discretion of the Chief of Police, a Sergeant may be promoted to the rank of Staff Sergeant by appointment. The rank of Staff Sergeant will serve only to signify the ranking Sergeant in the department.

1031.5 SERGEANT

The Sergeant assists the Chief of Police with the overall operation of the police department, including the review of reports, monitoring of officer and civilian employee performance, and supervision of all subordinate employees. The sergeant is responsible for all duties of police officer and all other duties assigned by the Chief of Police. The Sergeant reports to and is supervised by the Chief of Police. The Sergeant exercises general supervision over subordinate officers and civilian employees.

1031.5.1 SUMMARY

Sergeants performs supervisory duties over police activities, such as investigations, juvenile services, administration, patrol and traffic. Carries out other special and related assignments. The sergeant occupies the second level of supervision in the department. He/She shall thoroughly acquaint Himself/Herself with the duties of officers and shall assist and instruct the officers under his supervision in the proper performance of their duties.

1031.5.2 GENERAL DUTIES AND RESPONSIBILITIES

- (a) Day-to-day supervision of department employees in accordance with established policies and procedures.
- (b) Be available for contact to provide instruction and assistance to officers with investigations or unusual situations.
- (c) Manage evidence and property, including the timely return of property to crime victims and destruction of evidence after the completion of the criminal proceedings.
- (d) Makes assignments; checks progress; reviews reports and work records of activities to determine the follow-up needed.
- (e) Ensure reports are thorough and accurate and that further investigation takes place as appropriate.
- (f) Takes disciplinary action when necessary; attends meetings, speaks in behalf of the department when required.
- (g) Performs all duties required of a police officer.
- (h) Covers patrol shifts as needed.
- (i) Prepares reports on a variety of police department activities.
- (j) Supervises officers assigned to him/her.

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- (k) Maintains active, working knowledge of departmental rules, policies, procedures, and developments in the law that affect him and members under his supervision. Advises Chief of Police on policy matters.
- (l) Continuously audits the performance of officers under his supervision to determine whether they are properly, effectively, and consistently carrying out their police duties. In particular, compares field practices with the standards established through written orders.
- (m) Ensures that when the performance of an officer under his command is unsatisfactory, measures are taken through encouragement, explanation, and referral to his supervisor or other means consistent with departmental policy to see that the officer's future conduct is up to standard.
- (n) Conducts personal inspections and vehicle inspections, records and submits written report of it.
- (o) Implements all orders received from the chief and thoroughly explains to personnel under his command the content and meaning of new orders that affect their responsibilities.
- (p) Accountable for the actions or omissions of officers under his supervision which are contrary to departmental regulations or policy.
- (q) In the event that the Investigator (Detective) position in the department is not staffed, the Sergeants will be responsible for investigation and follow up of criminal cases as prescribed in the Investigator (Detective) job description and as assigned by the Chief of Police.
- (r) Performs other duties as may be assigned by the chief.

1031.5.3 KNOWLEDGE, SKILLS, AND ABILITIES

- (a) Thorough knowledge of the rules and regulations of the department; thorough knowledge of approved principles, practices and procedures of police work; thorough knowledge of pertinent state laws, municipal ordinances and court decisions; thorough knowledge of the geography of the municipality and location of important buildings; commands respect of the officers and assigns, directs, and supervises their work; handles the public courteously and firmly and establishes and maintains satisfactory public relations through community policing; skilled in the use of police equipment.
- (b) Must be able to physically carry out the duties of a Police Officer as set forth in the Police Officer job description.

1031.5.4 EDUCATION AND EXPERIENCE

- (a) Minimum requirements include a high school degree, considerable experience in supervisory work, current Idaho driver's license and a minimum of three (4) years of police experience.
- (b) At time of appointment, should possess a minimum of a P.O.S.T. "Intermediate" certificate.

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1031.6 DETECTIVE

This position is responsible for investigating reported and suspected criminal activity.

1031.6.1 SUMMARY

The Investigator/Detective works independently under the general supervision of the Chief of Police to investigate criminal violations, activities, or offenses, and identify, apprehend, and aid in the prosecution of perpetrators. Additionally, the Investigator/Detective will assist in the ongoing development, implementation, and coordination of Crime Prevention programs per Policy 427, as well as Community Policing activities..

1031.6.2 GENERAL DUTIES AND RESPONSIBILITIES

- (a) Review and investigate, all misdemeanor and felony cases received by the Buhl Police Department.
- (b) Assigns follow-ups on active cases to patrol division officers and sergeants as needed.
- (c) Handles all walk-in felony reports during regular office hours, takes the initial report and does follow-up on the case as needed. Takes initial report on misdemeanor walk-in's during regular office hours if the duty officer is not in the station.
- (d) Maintains proper communication with victims regarding disposition of their case, scheduled meetings with the prosecutor's office, and court dates.
- (e) Communicates with victims regarding victim's services and resources.
- (f) Interviewing and/or interrogation of suspects or persons of interest in criminal cases, properly observing legal safeguards.
- (g) Interviewing of witnesses and reporting parties in criminal cases.
- (h) Testifies in various state and federal courts, presenting a professional competent image of the Buhl Police Department.
- (i) Develops and maintains working case files and other files or paperwork appropriate to investigative matters, documented in chronological order. Guarantees that all original documentation is properly placed in the original case files.
- (j) Informs the Chief of Police about all investigative responsibilities and activities.
- (k) Maintains liaison with investigators of other agencies on matters of mutual concern and attends regional investigator's meetings, seminars, training sessions, and legal updates.
- (l) Maintains liaison with the Twin Falls County Prosecutor's Office and attends all meetings related to ongoing investigations in the department.
- (m) Maintains liaison with organizations and agencies that provide victim's services and resources.
- (n) Maintains active membership status with investigative services and resources (i.e. RMIN and CJIS) and is able to utilize the resources available to aid in investigation of criminal activity.
- (o) Maintains ILETS certification in Inquiry, Entry, and Mobile Data Terminal (MDT) usage.

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- (p) Monitors statistical information regarding crime rates and trends and makes recommendations to the Uniform Patrol Division regarding directed patrol and enforcement.
- (q) Participates in ongoing training related to investigative practices and procedures.
- (r) Performs all duties required of police officers.
- (s) Maintains a level of physical fitness and ability to function as a patrol officer.
- (t) Maintains all patrol level certifications, i.e. Intoxilizer 5000, LifeLoc 20, patrol radar, EVOC, etc.
- (u) Covers patrol shifts as needed.
- (v) Performs other duties as assigned.

1031.6.3 KNOWLEDGE, SKILL, AND ABILITIES

- (a) Must have superior interpersonal communications skills, both in communicating with the citizens we serve and fellow employees.
- (b) Must have considerable knowledge of the Idaho Statutes and department, local, state, and federal laws, rules, and regulations.
- (c) Knowledge of police investigative techniques and techniques of identification.
- (d) Knowledge of rules of evidence and laws of search and seizure.
- (e) Knowledge of geography of the municipality and important buildings.
- (f) Knowledge of crime scene security, preservation, and processing.
- (g) Ability to properly photograph, collect, package, preserve, document, and analyze evidence.
- (h) Ability to question and interview skillfully.
- (i) Ability to organize and prepare thorough, clear, and concise reports.
- (j) Skill in the use of police equipment.
- (k) Knowledgeable about relevant legal processes such as charging requests, probable cause statements, search warrants, grand juries, and obtaining warrants.
- (l) Must be able to physically carry out the duties of a Police Officer as set forth in the Police Officer job description.

1031.6.4 EDUCATION AND EXPERIENCE

- (a) Must have a high school diploma.
- (b) Must possess a current, valid Idaho Driver's License
- (c) Have an Idaho P.O.S.T. Basic Patrol Certification, with Intermediate Certification preferred.
- (d) Must meet all other minimum education requirements for a police officer.

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- (e) Any combination of law enforcement training and experience which provides the required knowledge, skills, and abilities is qualifying.
- (f) Thirty (30) college credits in Criminal Justice, or an Associate degree or above in any discipline, is preferred and recommended.

1031.6.5 ENVIRONMENTAL CONSIDERATIONS

- (a) Maintain a flexible work schedule based on the needs of the department.
- (b) Be able to work extended hours on short notice and/or without notice.
- (c) Change working hours/days on short notice and/or without notice.
- (d) Exposure to all weather conditions, including extreme conditions.
- (e) Exposure to varying light conditions, both natural and man-made.
- (f) Exposure to personal danger, including but not limited to:
 1. Armed and/or dangerous persons and animals.
 2. Persons and/or articles having contagious/communicable diseases.
 3. Hazards associated with emergency driving.
 4. Vehicular surveillance.
 5. Hazards associated with natural and man-made disasters.

1031.6.6 SPECIAL CONSIDERATIONS

- (a) In the absence of the School Resource Officer position being staffed with a full-time officer, the Investigator/Detective will act as the primary liaison to the Buhl School District administration and staff and carry out as many of the duties of the School Resource Officer, both on campus and off-campus, as time permits.
- (b) Appointment to the Investigator/Detective position does not automatically confer a higher level of rank to the officer appointed, nor does it negate previously attained rank in the department. However, the Investigator/Detective position is rank neutral, meaning it neither has supervisory authority, nor is it supervised by any position in the department other than the Chief of Police. Patrol Sergeants who are appointed to the position may use the title "Detective Sergeant", but do not have daily supervisory responsibility nor authority.
- (c) The current pay scale for Police Officers shall apply to the Investigator/Detective position, with no incentive pay or pay increase either guaranteed or implied to officers who are appointed to the position.

1031.7 SCHOOL RESOURCE OFFICER

The school environment is a community unto itself. However, it remains an integral part of the larger community of society in general. Although the members of the school community are younger, the code of conduct in both communities remains the same. School Resource Officers will enforce the law in the same unbiased and impartial manner as in the community at large.

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The School Resource Officer (SRO) has been established to provide police officer(s) for the City of Buhl's public schools. These officer(s) provide various educational resources to the school community, provide law enforcement information and advice to students and parents, and provide a positive law enforcement presence in the schools.

1031.7.1 GENERAL DUTIES AND RESPONSIBILITIES

- (a) Works as a police officer assigned to the public schools for the purpose of helping to reduce crimes on the school campus, and in general, crimes committed by or against juveniles within the city.
- (b) Works with school officials in counseling students and assists parents in working out problems with their children.
- (c) Acts as a confidant to the students, and a public relations officer to build up the image of Law Enforcement and Community Policing
- (a) Makes arrests, does case follow-ups, control truanancies.
- (b) Makes reports of crimes and situations needing attention.
- (c) Controls traffic by directing, warning and issuing citations.
- (d) Counsels students, assists school officials where needed, coordinates activities between the school and law enforcement agencies.
- (e) Coordinates security for after school events.
- (f) Covers patrol assignments, if needed

1031.7.2 KNOWLEDGE, SKILLS, AND ABILITIES

- (a) Requires a fairly good working knowledge of the law in general with special emphasis on juvenile law.
- (b) Must like and understand juveniles and be able to effectively communicate with them.
- (c) Some knowledge of the philosophy, objectives and practices of counseling, particularly as related to juveniles; some knowledge of the fundamental principles of adolescent psychology; knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; ability to deal effectively with juveniles and adults; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise oral and written reports; skill in the use of firearms and police equipment; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit.

1031.8 CORPORAL

The function of a Corporal are similar to that of a Police Officer with additional duties as an assistant supervisor or a shift supervisor in absent of a Sergeant.

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1031.8.1 SUMMARY

- (a) This class differs from that of police officer only in that it requires more experience and training on the part of the incumbent. Incumbent is at top level of seniority ladder. Corporals are appointed at the discretion of the Chief of Police.
- (b) A Lance Corporal may serve as a Supervisory Corporal.

1031.8.2 GENERAL DUTIES AND RESPONSIBILITIES

The duties and responsibilities of a corporal are the same as those of a police officer.

1031.8.3 KNOWLEDGE, SKILLS, AND ABILITIES

See Police Officer job description.

1031.8.4 EDUCATION AND EXPERIENCE

See Police Officer job description.

1031.9 POLICE OFFICER

A police officer performs a verity of routine and complex public safety work consisting of preventative patrol, community policing activities, criminal investigations, car crash investigation, enforcement of Federal and State Statues, enforcement of Municipal Ordinances, medical assistance responsibilities, traffic control activities, provides emergency response to citizen requests and performs all other police functions within the City of Buhl.

1031.9.1 SUMMARY

- (a) A police officer is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general police responsibilities necessary to the safety and good order of the community. A police officer shall:
 - (a) Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
 - (b) Reduce the opportunities for the commission of crime through preventive vehicle, foot and bicycle patrol.
 - (c) Aid people who are in danger of physical harm.
 - (d) Facilitate the movement of vehicular and pedestrian traffic.
 - (e) Identify potentially serious law enforcement or governmental problems.
 - (f) Promote and preserve the peace.
 - (g) Provide emergency services.
- (b) The police officer position is non-supervisory. Police officer duties are performed on an assigned shift under the general guidance of the police chief.

1031.9.2 GENERAL DUTIES AND RESPONSIBILITIES

General duties and responsibilities:

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- (a) Exercises authority consistent with obligations imposed by the oath of office. Accountable to superior officers. Promptly obeys legitimate orders.
- (b) Coordinates efforts with those of other members of the department so that teamwork may ensure continuity of purpose and achievement of police objectives.
- (c) Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
- (d) Responds punctually to all assignments.
- (e) Acquires and records information concerning events that have taken place since the last tour of duty.
- (f) Records activity during tour of duty in the manner prescribed by proper authority.
- (g) Maintains weapons and equipment in a functional, presentable condition.
- (h) Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police department and suggests other procedures to be followed.
- (i) Accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.
- (j) Answers questions asked by the general public, counsels juveniles and adults when necessary and refers them to persons or agencies where they can obtain further assistance.
- (k) Preserves the peace at public gatherings, neighborhood disputes, and family quarrels.
- (l) Serves or delivers warrants, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.
- (m) Confers with prosecutors and testifies in court.
- (n) Accomplishes other general duties as they are assigned or become necessary.
- (o) Performs other duties as may be assigned by the chief. Cooperates with the efforts of other law enforcement agencies.
- (p) Specific duties and responsibilities: preventive patrol.
 - (a) Patrols an assigned area for general purposes of crime prevention and law enforcement. Patrol includes:
 - (a) Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths, etc. Conditions that contribute to crime should be reported. The location of fire boxes, telephones and other emergency services should be noted.
 - (b) Apprehending persons violating the law or wanted by the police.
 - (c) Completing detailed reports on all crimes, vehicle accidents and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When

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- property is recovered or additional information is discovered pertaining to a previously reported offense, the officer completes an investigation report.
- (d) Preserves serious crime scenes until the investigator or a supervisor arrives.
 - (e) Does building security checks.
 - (f) Observes and interrogates suspicious persons, completes Field Interrogation cards.
 - (g) Issues traffic citations.
 - (h) Reports street light and traffic signals out-of-order, street hazards and any conditions that endanger public safety.
 - (i) Checks schools, parks and playgrounds.
 - (j) Responds to any public emergency.
 - (k) Utilizes "problem solving" techniques.
- (b) Conducts a thorough investigation of all offenses and incidents within the area of assignment and scope of activity. Collects evidence and records data, which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.
 - (c) Alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions, and informs superiors as soon as the situation permits.
 - (d) Responds to situations brought to the officer's attention while in the course of routine patrol or when assigned by radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.
 - (e) Remains on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant on duty has issued authorization for a temporary absence.
 - (f) Patrols area giving particular attention to and frequently rechecking locations where the crime hazard is great. Insofar as possible, a patrol officer shall not patrol an area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.
 - (g) Be alert for all nuisances, impediments, obstructions, defects or other conditions that might endanger or hinder the safety, health or convenience of the public within the patrol area.
 - (h) Concerning a patrol vehicle:
 - (a) See that it is well maintained mechanically and that it is kept clean both inside and out.
 - (b) Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.

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- (c) Removes the keys and locks the doors whenever the patrol car is left unattended for any reason.
- (d) Uses only vehicles assigned on duty.
- (e) Operates the radio according to FCC regulations and current departmental procedures.
- (f) Ensures that the assigned vehicle's gas tank is full before completion of duty.
- (i) Keeps radio equipment in operation at all times and remains thoroughly familiar with departmental policy concerning its use.
- (j) Takes measures to direct the flow of traffic during periods of congestion.
- (k) Notifies the sergeant if more than a temporary absence from regular duty is required.
- (q) Specific duties and responsibilities: traffic patrol.
 1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
 2. Enforces parking ordinances and motor vehicle law in patrol area.
 3. Alert to traffic safety conditions, which may endanger or inconvenience the public and reports such conditions to a supervisor.

1031.9.3 KNOWLEDGE, SKILLS, AND ABILITIES

- (a) Must have a high school diploma or equivalent.
- (b) Must have attended an Idaho POST Academy or have the ability to complete within one (1) year of being hired.
- (c) Physical demands of a patrol officer during the course of a shift may include, but are not limited to: **CONTINUOUS** transporting of between 20 and 30 lbs. in the form of uniform, patrol duty belt, tools of the trade, and duty gear worn on the person of the officer; working outdoors. **FREQUENT** walking, running, crawling, twisting, bending, grabbing, fighting, wrestling, struggling, climbing, sitting, standing, ascending or descending stairs; must be flexible, have static-explosive-dynamic-trunk strength in order to overcome combative suspects; entering and exiting patrol vehicle, walking on uneven and slippery surfaces, reaching at shoulder height, light physical manipulation of subjects in custody and placing them into or assisting their exit from a vehicle while in handcuffs; upward and downward flexion of neck; side-to-side turning of neck; lifting up to 10 lbs. below and at waist level; strong or power grasp of evidence, property, suspects; tight grasp, wrist and arm movement to manipulate baton; fine manipulation of paperwork; light grasp and finger control of radio and telephone; moderate grasp reach and manipulation of steering wheel with both hands in low stress driving situations, moderate grasp reach and rapid manipulation of steering wheel with both hands in high stress and emergency driving situations; good vision both far and near as well as color; good hearing; good physical conditioning for stamina, mobility and effort utilized in the policing duties. **OCCASIONAL**, sitting for

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long periods, standing for long periods, squatting, laying in a prone position, reaching above shoulder height, manipulation of arms to direct traffic, kneeling, pushing/pulling, jumping, twisting at waist; lifting of items weighing from 11 to over 100 lbs. below and at waist level, either with or without assistance; transporting items weighing 26-50 lbs. for distances up to 50 yards without assistance; transporting items weighing from 51 to over 100 lbs. for 30-50 yards with or without assistance; changing vehicle tires; reach, grasp, finger strength, arm and hand steadiness and manipulation to operate firearms at shoulder level or in kneeling or prone position. **INFREQUENT** balancing above ground; lifting of items weighing from 11 to over 100 lbs. from chest to above shoulder level, either with or without assistance, dragging a 150 to 180 pound person or object for 80 feet, either with or without assistance, physically pushing vehicles in traffic, pulling oneself up and over a fence up to 6 feet in height while in full duty uniform and gear, climbing a ladder.

1031.9.4 EDUCATION AND EXPERIENCE

High school degree, valid Idaho driver's license and 2 years responsible work experience.

1031.10 OFFICE MANAGER

This is a critical position with supervisory responsibilities. This position is responsible for the efficient operation of the general office area in the police department including supervision of all clerical and reception personnel and department records retention functions. This position is responsible for training staff ensuring timely maintenance and operation of office equipment in the department.

1031.10.1 SUMMARY

Performs a wide variety of advanced and complex clerical duties supportive to administration; including typing, record keeping, filing and general public contacts. Works with considerable independence within established guidelines. Must be a versatile person and be able to proficiently assume responsibilities of all clerical duties. Performs other related duties as assigned.

1031.10.2 GENERAL DUTIES AND RESPONSIBILITIES

- (a) Types letters, memorandum, minutes, reports and statements on an administrative level. Prepares vouchers, compiles and submits invoices. Takes dictation and transcribes notes; records and prepares minutes of meetings. Maintains records of time worked and leave taken. Maintains personnel records for leave accrual and compensatory time. Answers telephone, takes messages, gives information; answers questions and refers calls to appropriate parties. Establishes and maintains necessary administrative records and files;
- (b) Responsible for all records management, to include accurate maintenance and complete files. Performs record searches of available databases to determine if data or records exist; locates requested reports or information. Makes copies of police department data and reports for release to public or other law enforcement agencies. Creates, uses and maintains a wide variety of records and inventory procedures. Responsible for past and present records files, to include current logging, typing and filing of reports.

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- (c) Must successfully pass the NCIC Basic and Advanced Tests.
- (d) The Office Manager is responsible for the training of the office assistant to the extent the office assistant can perform all the duties of the Officer Manager in their absent to ensure the department can continue day-to-day operations while the officer manage is absent.

1031.10.3 KNOWLEDGE, SKILLS, AND ABILITIES

- (a) Required skills, knowledge and abilities:
 - (a) Skill in typing, transcription and dictation. A thorough knowledge of general clerical procedures including establishing and maintaining coding and filing systems. The ability to organize work efficiently; to establish and maintain good working relationships and effective public contact by telephone or in person.
 - (b) Other: Ten key operation, copy machine, and police radio, fax machine, multi-line telephones computers.
- (b) ILETS TAC:
 - (a) ILETS Terminal Agency Contact (TAC) (appointed by the Chief of Police).
 - (b) Responsibilities of TAC: To ensure proper operation of ILETS and NCIC, the standards, procedures, formats, and criteria as contained in the ILETS and NCIC Operating Manuals.
 - (c) Accuracy, completeness and timeliness of entries; security; dissemination logs; record validations, tests.
- (c) Uniform Crime Reporting:
 - (a) Responsible for crime data input to produce a reliable set of criminal statistics for use in law enforcement operation and management.
- (d) Public contact:
 - (a) Assists public in obtaining appropriate forms for reporting criminal incidents, traffic accidents, and other generalized police related incidents. Assists in directing general public and other requesting individuals to the appropriate officer or division with the department. Assists with walk-in reports, telephone reports and dispatches officers as needed.
- (e) Office supplies:
 - (a) Responsible for inventory and ordering of all supplies to keep office functioning smoothly.

1031.10.4 EDUCATION AND EXPERIENCE

High School graduate or equivalent. Experience in office and clerical work. Some experience in the field of criminal law is helpful or any equivalent combination of education and experience, which provides the required skills, knowledge and abilities thereof.

1031.11 FULL TIME ASSISTANT RECORDS CLERK

This position assists the Office Manager in their day-to-day operations.

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1031.11.1 SUMMARY

A position in this class requires the incumbent to have a well-informed background in secretarial and computer skills. Must have the ability to deal effectively with the public, other city employees, as well as our department and fellow employees.

1031.11.2 GENERAL DUTIES AND RESPONSIBILITIES

- (a) Will perform a wide variety of clerical duties supportive to the Office Manager, records Manager, and TAC officer, to include typing, record keeping, making copies and filling documents, of all confidential nature. Often, will be the first general public contact, by telephone or walk-in. Will be a team worker and perform other department related duties as required as assigned.
- (b) Will compile reports, type, collect data, enter data, retrieve data, maintain rash and criminal files, answer phone calls, write messages, relay messages, disperse mail, and help maintain the court calendar; will type letters and memos and will make copies.

1031.11.3 KNOWLEDGE, SKILLS, AND ABILITIES

- (a) Typing and computer skills are required as well as a working knowledge of clerical procedures, including data entry.
- (b) Must maintain police coding and filing systems.
- (c) Spelling and grammar skills are required.
- (d) Must have the ability to organize, to prioritize, and work efficiently and independently.
- (e) Will assist with data entry in EIS, as assigned, and will comply with all UCR/NIBERS and NCIC requirements.
- (f) Will relay critical and emergency information to other employees, officers, agencies and entities.
- (g) Will handle walk-in and telephone reports.
- (h) Will dispatch the Code Enforcement Officer or other officers as required.
- (i) Will successfully pass the basic NCIC Inquiry and Entry Class, within six (6) months of hire.
- (j) Will maintain a respectable working relationship with the public, peers, and fellow employees.

1031.11.4 EDUCATION AND EXPERIENCE

- (a) Will have a High School Diploma or GED equivalent.
- (b) Will have some experience in office work, clerical work and computer entry knowledge.
- (c) Some training in the field of criminal law is helpful or and equivalent combination of education and experience, which provides the required skills, knowledge and abilities, is acceptable.

Departmental Awards

1032.1 PURPOSE AND SCOPE

A departmental awards program will be initiated to officially recognize the outstanding heroic and community service act(s) performed by members of the Buhl Police Department. Commendations may also be awarded posthumously. It is the purpose of this order to establish procedures by which meritorious actions and achievements of members can be appropriately recognized.

1032.2 PRESENTATION OF DEPARTMENT MEDALS AND AWARDS

When an incident occurs that warrants the presentation of an award, the procedure for presentation will be as follows: When an incident occurs, the Chief of Police will be responsible for releasing the information concerning the incident to the media. The member(s) involved in the incident or accomplishment will be named. The presentation of medals, commendations and awards earned by members will normally be made annually in December.

1032.3 NOMINATING PROCEDURE

Any department member may nominate another member for an award and is encouraged to do so as soon as possible after a meritorious incident.

- (a) Nominations will be accepted upon a "Commendation Report" submitted through the chain of command.
- (b) The member who makes the nomination shall include the nominee and incident data on the form.
- (c) The nomination will then be routed to the current awards committee.

1032.4 AWARDS COMMITTEE

The Awards Committee shall consist of the following members:

- (a) Lieutenant
- (b) Police Commissioner
- (c) One Sergeant
- (d) Community Representative
- (e) The majority vote shall determine the committee's decision. In case of a tie, the Chief of Police will vote.
- (f) The Committee and the Chief of Police shall have the authority to change the class of award within the criteria established for each

The Lieutenant (or a Sergeant in his absence) shall act as the moderator and chairman of the committee.

1032.5 TYPES OF AWARDS

- (a) **MEDAL OF HONOR:** The Medal of Honor is the Department's highest award. This metal may be awarded to an officer who willingly and selflessly gives his life in the line

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of duty, or distinguishes himself by the performance of an act of courage involving risk or imminent danger to his life above and beyond the call of duty. There may be no margin of doubt or possibility of error in awarding this honor. The officer must render himself conspicuous of an act so outstanding that it clearly distinguishes his courage from lesser forms or recognizable bravery. Criteria: The recipient must have been a sworn officer of the Buhl Police Department when the incident occurred. The recipient must have: Been acting within the law and Department regulations; have acted in the face of extreme personal danger, without hesitation or regard for his own well being; have undertaken these actions willingly and with full knowledge of the grave risk to his own personal safety; have substantially contributed to the saving or attempted saving of a human life.

- (b) **MEDAL OF VALOR:** The Medal of Valor is the Department's second highest award. This medal may be awarded to an officer who, willingly and selflessly in the line of duty, distinguishes himself by the performance of an act of courage involving risk of imminent serious personal injury for the purpose of saving or protecting human life; or, in the course of an extended investigation demanding continuous exposure to grave personal hazard willingly accepts such risk in the service of the department; or, for an extra-ordinarily credible and unusual police accomplishment. Criteria: The recipient must have been a sworn officer the Buhl Police Department when the incident occurred; been acting within the law and Department regulations; must have acted in the face of personal danger, without hesitation or regard for his own well being; must have undertaken these actions willingly and with full knowledge of the grave risk to his own personal safety.
- (c) **POLICE STAR:** The Police Star is the Department's third highest award. This medal may be awarded to an officer who, in the line of duty, distinguishes himself by the performance of an act of courage involving personal hazard in saving or protecting human life; or a similar act which is necessary to effect an arrest or prevent the escape of a person who committed an act which seriously exposed any person to death or serious physical injury. Further, the Police Star may be awarded to an officer of the Department for performing a highly credible and unusual police accomplishment. Criteria: The recipient must have been a sworn officer the Buhl Police Department when the incident occurred; been acting within the law and Department regulations; recipient's actions must be a superior performance of duty.
- (d) **PURPLE HEART:** The Department may present the Purple Heart to an officer who suffers a severe or disabling injury or death. Criteria: The recipient must have been a sworn officer the Buhl Police Department when the incident occurred; been acting within the law and Department regulations. When engaged in the performance of his official duties, the recipient suffered death or serious physical injury; i.e., physical injury which created a substantial risk of death or which caused a serious and prolonged disfigurement, impairment of health, loss or impairment of the function of any bodily organ.
- (e) **DISTINGUISHED SERVICE AWARD:** This award may be given to a member who has shown himself to be outstanding in his ability, service, loyalty and desire to serve the community, based on exceptional performance that is clearly above that normally expected. The member's conduct was significantly superior to normal conduct;

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member demonstrated a positive personal initiative and expertise; exhibited conduct which would tend to establish a positive role model for other members; exhibited cooperative and productive behavior which significantly furthered the accomplishment of the police mission; performed exceptional services that significantly contributed to the betterment of the community. This award shall be symbolic of the Department's Mission and Value Statement.

- (f) **COURAGEOUS SERVICE MEDAL:** The Courageous Service Medal is the Department's award presented to civilians, both those of the department and members of the general public. Officers from other agencies may also be presented this award. Criteria: The recipient must have been acting within the law when the incident occurred; must have acted in the face of extreme personal danger, without hesitation or regard for his own well being; must have undertaken these actions willingly and with full knowledge of the grave risk to his own personal safety.
- (g) **HUMANITARIAN AWARD:** The Humanitarian Award is given to members who, in the performance of their Department duties, exhibit an exemplary concern for the welfare of others as evidenced by an act or acts which contribute substantially to the well being of another person, and which is perceived to be above and beyond that member's normal scope of responsibilities.
- (h) **CHIEF'S COMMENDATION:** The Chiefs Commendation is the Department's highest award for service and may be awarded to an individual who distinguishes himself by performing exceptional service in a duty of great responsibility or of critical importance to law enforcement.
- (i) **CHALLENGE COIN:** The Chief of Police Challenge Coin may be awarded to members of the department or members of the community. Recommendations for the awarding of Challenge Coins can be made for any person who demonstrates excellence through a pattern of service or a single event.
- (j) **SUPERVISOR'S COMMENDATION:** The Supervisors Commendation is a written documentation of exceptional conduct and behavior by a subordinate. The Supervisor of the involved member should initiate this form of action when the facts warrant. Award may also be given in recognition of a subordinate's exemplary conduct, attitudes, accomplishments, or ideas.
- (k) **LETTER OF APPRECIATION:** The professional conduct of members is sometimes such that other department members or members of other agencies wish to express appreciation for a job well done, for aid, co-operation, or other assistance rendered. This type of documentation from within the criminal justice system shall be routed to the member mentioned through the chain of command. A copy of the letter will be placed in the member's personnel file.
- (l) **AWARDS FROM THE COMMUNITY:** Upon notification from any civilian, civilian agency, or other group that a member has been selected to receive special recognition or an award related to his employment with the city, the member shall notify the Chief of Police, through the chain of command. Prior to the designated time of the proposed award presentation, the Chief of Police will notify the member of his decision regarding receipt of the award as a representation of the city and/or department. All awards of

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significant monetary value other than memorabilia such as scrolls, plaques, trophies, medals and citations, shall be reported to the Chief of Police immediately.

1032.6 WEARING OF DEPARTMENTAL DECORATIONS

Personnel receiving awards may wear drape medals on their Dress uniforms and ribbons on their Duty uniforms. When worn, the medal and ribbon will be located on the pocket flap of the right breast pocket. It will be centered directly below the nametag, with the top of the medal or ribbon aligned with the top seam of the pocket flap. When an employee receives the same award more than once, the second award will be indicated by a bronze oak leaf cluster. The oak leaf cluster will be worn on the ribbon and shall be placed in the center of the ribbon, centered up and down. Each subsequent award would then be evenly centered. A silver oak leaf cluster will be worn in lieu of five (5) bronze oak leaf clusters. Marksmanship bars will be worn directly above the nametag, centered. No other pins or medals are to be worn on the uniform without prior approval of the Police Chief.

1032.7 AWARDS FOR EXCELLENCE IN - MARKSMANSHIP

PURPOSE:

Marksmanship Awards are given ultimately for the purpose of motivating officers to maximize their survival skills through the development of their marksmanship abilities. The awards are potentially attainable by all who apply themselves to the personal development of this discipline.

1032.7.1 AWARD PRESENTATION

- (a) Marksmanship Awards are presented on a yearly basis and are divided into three categories: Distinguished Expert, Expert and Sharpshooter. These awards may be presented in the form of Commendation Bars and/or Certificates.
- (b) Distinguished Expert awards shall be presented by the Chief.
- (c) Expert and Sharpshooter Awards shall be presented to the member by the Lieutenant, or in his absence the Sergeant

1032.7.2 STANDARDS AND QUALIFICATION

- (a) The designated course for qualification is the P.O.S.T. Short Course.
- (b) Qualification scores will be calculated only on first round scores of the mandatory Department shoot during each calendar year.
- (c) The Range Master will be responsible for tracking and keeping record of each officer's category.
- (d) The categories as determined by points and percentages are as follows:
 - 1. 99 to 100% Distinguished Expert
 - 2. 96 to 98% Expert
 - 3. 91 to 95% Sharpshooter
 - 4. 88 to 90% Marksman (No Award)

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1032.8 COMMENDATIONS AND AWARDS

1032.8.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Buhl Police Department and individuals from the community.

1032.8.2 POLICY

It is the policy of the Buhl Police Department to recognize and acknowledge exceptional individual(s) or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1032.8.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1032.8.4 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community.

These awards include:

- Award of Merit
- Award of Valor
- Lifesaving Award
- Meritorious Conduct

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

Wellness Program

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for [department/office] members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1033.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

Peer support counseling session – A meeting conducted by a peer support specialist that is held in response to a critical incident, traumatic event, or other personal or professional wellness issue (Idaho Code 9-203).

Peer support specialist – A member of the [Department/Office] or other individual who has been designated to lead, moderate, or assist in peer support counseling sessions (Idaho Code 9-203).

1033.2 POLICY

It is the policy of the Buhl Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for [department/office] members. The [Department/Office] will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1033.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Personnel Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support specialists, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the [Department/Office] should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for [department/office] peer support specialists, such as:
 - 1. Peer support specialist selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support specialists and those seeking service.
 - 5. Monitoring and mitigating peer support specialist emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for [department/office] peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.
 - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 - 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 - 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

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- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
1. The coordinator should work with appropriate [Department/Office] liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1033.4 DEPARTMENT OFFICE PEER SUPPORT

1033.4.1 PEER SUPPORT SPECIALIST SELECTION CRITERIA

The selection of a [department/office] peer support specialist will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support specialist.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support specialists.

1033.4.2 PEER SUPPORT SPECIALIST RESPONSIBILITIES

The responsibilities of [department/office] peer support specialists include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting [department/office] members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to [department/office]-designated resources in situations that are beyond the scope of the peer support specialist's training.

1033.4.3 PEER SUPPORT SPECIALIST TRAINING

A [department/office] peer support specialist should complete [department/office]-approved training prior to being assigned.

1033.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded

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statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support specialists and those directly involved in the incident.

1033.6 PEER SUPPORT COMMUNICATIONS

Peer support specialists acting in that capacity and [department/office] members who are participants in peer support counseling sessions may not be compelled to testify or disclose records regarding communications made or arising from peer support counseling sessions in court proceedings unless specific exceptions apply (Idaho Code 9-203).

1033.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of [department/office]-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1033.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the [department/office]'s wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available

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- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1033.9 TRAINING

The coordinator or the authorized designee should collaborate with the Chief of Police to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of [department/office] wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Chief of Police as appropriate for inclusion in training records.

Performance Evaluations

1034.1 PURPOSE AND SCOPE

This policy provides guidelines for the Buhl Police Department performance evaluation system.

1034.2 POLICY

The Buhl Police Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The [Department/Office] evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1034.3 TYPES OF EVALUATIONS

The [Department/Office] shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Personnel Department or, minimally, on the anniversary of the date of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Sergeant or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1034.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

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Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

1034.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

1034.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

1034.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

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Those employees who are required to successfully complete a probationary period should be evaluated monthly.

1034.6 EVALUATION INTERVIEW

When the supervisor has completed their evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

1034.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the City harassment and discrimination policies and the Buhl Police Department Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the harassment and discrimination policies.
- (b) The employee has had all questions regarding the policies sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1034.7 APPEAL

An employee who disagrees with their evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor's Sergeant or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1034.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the evaluating supervisor's Sergeant or the authorized designee. The Sergeant or the authorized

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designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The Sergeant or the authorized designee should evaluate the supervisor on the quality of ratings given.

1034.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the [Department/Office] in accordance with the established records retention schedule.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the Buhl Personnel Department.

Leave Benefits

1035.1 PURPOSE AND SCOPE

This policy provides general guidance regarding [department/office] employee leave benefits.

Guidance on the use and processing of sick leave is detailed in the City personnel manual or applicable collective bargaining agreement.

1035.2 POLICY

It is the policy of the Buhl Police Department to provide eligible employees with the leave benefits described in the City personnel manual and any collective bargaining agreement.

1035.3 LEAVE COORDINATOR

The Chief of Police should appoint a member as leave coordinator to manage employee leaves in cooperation with the City Personnel Department.

1035.4 LEAVE BENEFITS

Leave benefits may include but are not limited to:

- Administrative leaves for jury duty, bereavement, sabbatical, military duty, training, and other temporary leaves.
- Holiday leave.
- Vacation.
- Family medical leave.
- Maternity leave.
- Small necessities leave.

Uniforms and Civilian Attire

1036.1 PURPOSE AND SCOPE

This policy provides guidelines for Buhl Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of [department/office] uniforms, and that the appearance of members who wear civilian attire reflects favorably on the [Department/Office].

This policy addresses the wearing and maintenance of [department/office] uniforms, accessories, insignia, patches, and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the [Department/Office].

Other related topics are addressed in the Badges, Patches, and Identification, Police Department Owned and Personal Property, and Personal Appearance Standards policies.

1036.2 POLICY

The Buhl Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement. The [Department/Office] may provide other [department/office] members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to [department/office] members shall be returned to the [Department/Office] upon termination or resignation.

1036.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear [department/office]-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable [department/office] specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.
- (f) Uniforms are only to be worn while on-duty, for court, at official [department/office] functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

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1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while off-duty.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of [department/office]-issued uniforms, including the uniform pants.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1036.3.1 ACCESSORIES

Members shall adhere to the following when wearing [department/office] uniforms:

- (a) Mirrored sunglasses will not be worn.
- (b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.

1036.3.2 INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to [department/office] uniforms unless an exception is authorized by the Chief of Police:

- (a) Shoulder patch - The authorized shoulder patch supplied by the [Department/Office] shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The [department/office]-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.
 1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- (d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- (e) Service insignia - The designated insignia indicating the member's length of service may be worn on long-sleeve shirts and jackets. The insignia shall be machine stitched to the left sleeve of the uniform.
- (f) Assignment insignias - Assignment insignias (e.g., [Crisis Response Unit] ([CRU]), Field Training Officer (FTO)) may be worn as designated by the Chief of Police.
- (g) American flag pin - An American flag pin may be worn, centered above the nameplate.
- (h) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

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1036.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the [department/office] badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

- (a) Buhl Police Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1036.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each [department/office] member or any deviations that may be authorized.

Uniforms are classified as follows:

- (a) Class A - Full dress uniform to be worn by designated [department/office] members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.
- (b) Class B - Standard issue uniform to be worn daily by designated [department/office] members.
- (c) Class C - General utility uniform to be worn by designated [Department/Office] members.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1036.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

- (a) Dress hat
- (b) Long-sleeve shirt
- (c) Tie
- (d) Tie tack or tie bar
- (e) Trousers or skirt
- (f) Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (g) Dark blue or black socks
 - 1. Natural colored hose must be worn with the skirt.

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- (h) Black polished dress shoes
 1. Boots with pointed toes are not permitted.
- (i) White gloves

1036.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

- (a) Long- or short-sleeve shirt with the collar open and no tie
 1. A crew neck t-shirt must be worn under the uniform shirt.
 2. All shirt buttons must remain buttoned except for the top button at the neck.
 3. Long sleeves must be buttoned at the cuff.
- (b) Trousers or skirt
- (c) Black belt
 1. Belts shall be equipped as needed for the member's assignment.
- (d) Dark blue or black socks
 1. Natural colored hose must be worn with the skirt.
- (e) Black polished dress shoes
 1. Approved black unpolished shoes may be worn.
 2. Boots with pointed toes are not permitted.
 3. Decorative stitching or adornment is not permitted.
- (f) Weather-appropriate items
 1. Hat
 2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt.
 3. Jacket
 4. Rain gear

1036.4.3 CLASS C UNIFORM

The Chief of Police or the authorized designee will establish the specifications, regulations, and conditions for wearing the Class C uniform.

1036.4.4 SPECIALIZED ASSIGNMENT UNIFORM

The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the [CRU], bicycle patrol, motor officers, and other specific assignments.

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1036.5 CIVILIAN ATTIRE

There are assignments within the [Department/Office] that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Members assigned to administrative, investigative, and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (d) No item of civilian attire that would adversely affect the reputation of the Buhl Police Department or the morale of the members may be worn while on-duty.
- (e) The following items shall not be worn while on-duty or when representing the [Department/Office] in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 - 2. T-shirt alone or exposed undergarments
 - 3. Swimsuits, tank tops, tube tops, or halter tops
 - 4. Sweatshirts, sweatpants, or similar exercise clothing
 - 5. Spandex-type pants or transparent clothing
 - 6. Denim pants of any color
 - 7. Shorts
 - 8. Open-toed shoes
 - 9. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

1036.6 OPTIONAL EQUIPMENT

Any items that are allowed by the Buhl Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the [department/office].

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Police Department Owned and Personal Property Policy.

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1036.7 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

[Department/Office] members may not wear any uniform item, accessory, or attachment unless specifically authorized by the Chief of Police or the authorized designee.

[Department/Office] members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

Overtime Compensation

1037.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1037.2 POLICY

The Buhl Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1037.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

1037.4 REQUESTS FOR OVERTIME COMPENSATION

1037.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- Obtain supervisory approval, verbal or written.
- Not work in excess of 16 hours, including regularly scheduled work time, overtime, and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- Record the actual time worked in an overtime status using the [department/office]-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

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1037.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of [department/office] resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Sergeant for final approval.
 1. After the Sergeant has authorized compensation, the request shall be submitted to Administration as soon as practicable.

Supervisors may not authorize or approve their own overtime.

1037.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1037.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case, or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Shift Supervisor or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

1037.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt [department/office] operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on [department/office]-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Grievances

1038.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Buhl Police Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

1038.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The employee collective bargaining agreement
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any [department/office] employee that, if true, would constitute a violation of [department/office] policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

1038.2 POLICY

It is the policy of the Buhl Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

1038.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under a collective bargaining agreement, if an employee believes that they have a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with their immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the appropriate Sergeant.

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- (c) If a successful resolution is not found with the Sergeant, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the Chief of Police and provide a copy to the employee's immediate supervisor.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance (i.e., the facts of the case)
 - (b) The allegation of any specific wrongful act and the harm done
 - (c) The specific policies, rules, or regulations at issue
 - (d) The remedy or goal being sought by the grievance
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The Chief of Police and the City Mayor should review the grievance and respond to the employee within 14 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the City Mayor is considered final.

1038.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration Division for inclusion into a secure file for all written grievances. Copies of the documents should also be sent to the Personnel Department.

1038.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the Chief of Police in the memorandum.

1038.6 GRIEVANCE AUDITS

The Chief of Police should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The Chief of Police should record these findings in a confidential memorandum to the Chief of Police without including any identifying information about any individual grievance.

1038.7 GRIEVANCE BOARD

[If your agency has a grievance board, insert your specific composition, functions, and criteria of the board consistent with standard 2.7 requirements - see the Guide Sheet for additional guidance.]

Sick Leave

1039.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

1039.2 POLICY

It is the policy of the Buhl Police Department to provide eligible employees with a sick-leave benefit.

1039.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment and Overtime Payment Requests policies).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1039.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the [Department/Office] with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1039.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

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Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1039.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected [department/office] operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Chapter 11 - City of Buhl Personnel Manual (2016)

City of Buhl PERSONNEL POLICY

1100.1 CITY OF BUHL PERSONNEL POLICY

This policy establishes a safe, efficient and cooperative working environment, establishes the responsibilities and level of performance expected of all City Employees and explains certain benefits provided to City employees.

The policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice to, and consent of, city employees. Changes may be made in the sole discretion of the City council.

All employees of the City are At-Will and are employed at the discretion of the Mayor and City Council and will have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the City Council. This personnel policy is not a contract of employment and is not intended to specify the duration of employment or limit the reasons for which an employee may be discharged. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail. Only a written contract expressly authorized by the City Council can alter the at-will nature of employment by the City, notwithstanding anything said by an Elected Official or supervisor.

Mission Statement and Public Relations

1101.1 MISSION STATEMENT

It is the mission of the City of Buhl to provide a community that is unique in its image of historical, culture, and social character, to support the community's desires for diversity in residents, lifestyles, and a high quality of life, and to meet the expectations of our citizens, while being fiscally responsible.

Towards this goal, the city strives to have a vibrant downtown area, educational opportunities for all ages and interest, facilities that support current and future activities and coordinated services to meet the needs of all interests and abilities. It is the city's desire to provide adequate public infrastructure and to be the friendly, efficient, and responsive government that our citizens desire.

The city of Buhl is represented by its elected officials, department heads, and employees. The manner in which the city is perceived by the people who live in, work in, play in, or visit the city of Buhl is to a great extent shaped by the attitude, opinions, and work habits of the elected officials, department heads, and employees of the city.

It is the duty of all elected officials, department heads, and employees of the city of Buhl to express a positive attitude about the community, the taxpayers, business, and school that make up the community.

All elected official, department heads, and employees are admonished to all times remember that the reason for the city's existence and for their employment is to serve and promote the well-being of the general public which they serve.

All elected officials, department heads, and employees shall always maintain a positive attitude. If in good conscience they should find it necessary to criticize, such criticism should be positive, constructive criticism and not that type of criticism which tears down or destroys the city or the business and people that are in the city.

General Policies

1102.1 (A) THE ORGANIZATION IN WHICH YOU WORK

1. The city is a political subdivision of the State of Idaho, though it is not a part of state government. The City Council serves as the governing body of the city, carrying out local legislative duties and fulfilling other obligations as provided by law. The city Council is the general policy maker for the city, and has primary authority to establish terms and conditions of employment with the city. The Mayor may appoint personnel to help carry out administrative responsibilities. As with all elected public officials, the Mayor and City Council are ultimately responsible to the voters of the city.
2. Each employee should recognize that although he/she may serve as an employee supervised by the Mayor or department head, he/she remains an employee of the City, and not of the official who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements that support it, cannot be suspended by any other official's pledge, without the express action of the City Council. That is particularly true for terms or conditions that would establish a current or future financial obligation for the City. You may, however, work for an office/department with an operational policy that provides additional direction to employees on expectations and procedures unique to the office/department.

1102.2 (B) EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of employee and all employment decisions, including classification, transfer, discipline and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification. All objections to hiring or other employment practices will be brought to the attention of the Mayor or department head or supervisor, or in the case of objection to actions undertaken by that person, to legal counsel for the city.

1102.3 (C) VETERAN'S PREFERENCE AND RIGHTS

1. The city will accord a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.
2. Any qualified veteran who has been restored to his/her position in accordance with Idaho Code §65-508 will not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran will be entitled to an opportunity to be heard prior to termination. Such returning veteran will also be considered as having been on an unpaid leave of absence during his/her period of military duty. He/she will be restored to his/her position without loss of seniority, status or pay.

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General Policies

1102.4 (D) NEPOTISM/HIRING OF RELATIVES

No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. §74-401 et seq., I.C. §18-1359 and their successors. Any such employment made in violation of these sections may be void. The appointment or employment of the following persons is prohibited:

1. No person related to the Mayor or a City Council member by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty; and
2. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.
3. AN employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed by relevant provisions of Idaho law, including Idaho Code §18-1359(5)

1102.5 (E) PREFERENCE FOR HIRING FROM WITHIN

Qualified City employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees.

Employment start-up

1103.1 (A) EMPLOYMENT FORM TO BE COMPLETED

The following forms must be completed before the employee begins work for the city.

1. Employment application form.
2. Insurance forms (if coverage is available to and selected by the employee).
3. Immigration form (1-9)
4. Any other benefit forms necessary for employee information.

1103.2 (B) EMPLOYEE PERSONNEL FILES

1. Personnel Records

The official employee records for the City will be kept in the Human Resource Office/ department or by the City Clerk. The personnel files will contain records related to employee performance, employee status, and other relevant materials related to the employee's service within the City. The employee's supervisor, elected officials or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance.

1. Access to Personnel Files

Only the employee's supervisors, the Mayor, the City Council when acting as a body in the course of its official business, attorneys for the City and the employee are authorized to view materials in a personnel file. Access of others to such files will be allowed only with authorization of the supervising official after consultation with legal counsel for the City, or pursuant to a court order or proper subpoena. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purpose, or when necessary to defend itself against allegations of unlawful conduct. Copies of materials in an employee's personnel file are available to that employee with out charge, subject to exceptions provided by statutes.

1. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the City, any offending materials may be removed upon a finding by the City that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in the personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employees' personnel file.

Rules of Employee Conduct

1104.1 PURPOSE

Violation of any of the rules set forth below will be grounds for disciplinary action including possible dismissal from employment. However, this list is illustrative and not all inclusive and other behaviors and acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of the employee's employment with the City or limit the reasons for which the employee may be disciplined, including termination of the employment. The most important of these rules are those addressing attitude and cooperative behavior.

1104.2 (A) PERSONAL CONDUCT

Each employee is expected to conduct himself/herself in a manner that is helpful and productive and that does not reflect adversely upon the City. Public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. Each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon the City and its officials. In order to accomplish this, each employee must:

1. Work cooperatively and constructively with fellow workers and members of the Public to provide public service of the highest quality and quantity. **THIS IS THE FIRST PRIORITY FOR ALL EMPLOYEES.**
2. Be prompt and regular in attendance at work for defined work schedule or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of PTO.
3. Comply with dress standards established in the office/department for which the employee works. In the absence of any office/department dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Not engage in criminal conduct of any kind while on or off duty. City employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
5. Not engage in conduct away from work that, although not criminal, may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
6. Avoid conflicts of interest in appointments and working relationship with other employees, contractors and potential contractors in the City and related agencies.
7. Not engage in Conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50.00), I.C. §74-401 et seq. (Ethics in Government Act), I.C. §75-501 (Prohibitions Against Contracts), and I.C. §18-1359 (Using Public Position for Personal Gain).

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8. Not accept gifts or gratuities in any personal or professional capacity that could create the impression that the giver was seeking favor from the employee or official in violation of I.C. §18-1356 and I.C. §18-1357.
9. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Mayor, City Council or the office/department for whom he/she works.
10. Give his/her best efforts to accomplish the work of the City for public benefit in accordance with policies and procedures adopted by the Mayor and City Council and elected officials and displaying an attitude of cooperation and constructive participation.
11. Be subject to the administrative authority of the officials who supervise the office/department where the employee works.
12. Abide by all office/departmental rules whether written or oral. No employee will be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or nation.
13. Perform such obligations as are necessary to carry out the work of the City in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.
14. Not Sleep or be absent from the employee's work station when on duty. Employees must be attentive to their work at all times.
15. Not engage in malicious gossip, spread rumors, engage in behavior designed to create discord and lack of harmony, willfully interfere with another employee's work output or encourage others to do the same.
16. Not unlawfully harass a fellow worker employee or member of the public, as outlined in the City's Workplace Discrimination Harassment and Retaliation Policy.
17. Not discriminate in the treatment of fellow employees or members of the public on the basis of race, religion, gender, age, disability or national origin.
18. Not engage in abusive conduct to fellow employees or the public, or use abusive language in the presence of fellow employees or the public. Abusive language will include profanity and loud, threatening or harassing speech.
19. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained. City equipment shall not be used for personal use, unless incidental use authorized by the Mayor.
20. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that employee will be required to take the medication. The employee may be required to take leave while taking the medication.

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21. Follow the rules regarding the reporting of work hours and comply with the City's procedures for approval of time-keeping records.
22. Follow rules and schedules for breaks and lunch periods.
23. Report all accidents that occur or are observed on the job, or are on or involved City property, and cooperate as requested in the reconstruction of any such accident.
24. Follow all workplace safety rules whether established formally by the office/department or by outside agencies. Employees are encouraged to suggest way to make the workplace or work procedures safer.
25. Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
26. Not serve on any board or commission that regulates or otherwise affects the official duties or personal interests of the employee in a way that could create disadvantage for other members of the public or advantage for the employee.
27. Not have non-City employment that conflicts with duties performed for the city in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.
28. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record, after consulting with legal counsel for the City or without an order from a court or public agency of competent jurisdiction.
29. Maintain the confidential nature of records that are not open to public scrutiny in accordance with the direction of the responsible official.
30. Not use work time for personal business, including the selling of goods or services to the general public.
31. Adhere to any code of ethics in his/her profession.
32. Not engage in political activities while on duty. This rule will not apply to elected officials.
33. Not provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
34. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (I.C. §18-3201 and I.C. §18-3202).
35. Not use phones or computers in the work place in a manner that violates policy or that disrupts workplace activities.
36. Not abuse employee benefit offerings by taking unjustified PTO, participating in a scheme designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with City policy.
37. Not violate rules concerning absence for the workplace without proper authorization.

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38. Not engage in prolonged visits with co-workers, children, friends or family members that interfere with work in the office/department in which the employee serves.
39. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.

1104.3 (B) RELATIONSHIP POLICY

Personal relationships are a vital part of most people's lives. When personal relationships intersect with employment, an employer may become entangled with the consequences of the choices that employees make. The City has no desire to become involved in such matters. Accordingly, these rules serve as a basic guide to family and romantic relationships in the City's workplace:

1. No person related to the Mayor or a City Council member by blood or marriage within the second degree may be hired as a paid employee of the City.
2. No employee of the City will hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor by blood or marriage within the second degree.
3. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the City to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

1104.4 (C) DRUG FREE WORKPLACE POLICY

1. To establish a drug-free workplace for the safety and health of our employees, customers and general public.
2. In keeping with the City of Buhl's objective to provide a safe and healthful work environment, it is the City of Buhl's policy that:
 - (a) Possession, sale, transfer, attempt to sell, or use of illegal drugs including, but not limited to marijuana, cocaine, PCP, opiates and amphetamines, while on the job or on City property is strictly prohibited. Any illegal substance that is found in the possession of an employee or on the premises will be turned over to appropriate law enforcement agencies and may result in criminal prosecution.
 - (b) Employees will not be permitted to work who have been tested with a detectable level of prohibited drugs in their system. Prohibited drugs include illegal drugs as described above, legal substances including alcohol and prescription drugs that have not been specifically prescribed by a licensed physician for specific treatment purpose of the employee at the time of testing. A detectable level of alcohol is defined as having an alcohol concentration of 0.02 percent (0.02%) or greater.
 - (c) All employees must report any citations for violations of the Policy occurring on or off City premises while conducting City business. A report of a citation must

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- be made to City of Buhl within the same work period (8 hours) of receiving the citation.
- (d) When supervisory personnel determine there are reasonable grounds to believe an employee is under the influence of or in possession of any substance prohibited by these standards, or otherwise in violation of these policies, the City of Buhl may:
- i. Search any of the employee's work area on City property. Such search can include the employee's purse, bag, outer garments, locker, desk, office, car or any other property located on the City's premises; and
 - ii. Require that the employee submit to an appropriate test to determine the existence of prohibited substance within their system.
 - iii. Violation of the above-indicated Policy may result in disciplinary action up to and including termination of the employee.
3. To support the objective of a drug and alcohol free workplace, test for substances is required under the following circumstances:
- (a) Pre-employment: All applicants who are being seriously considered for any position with the City of Buhl must test free of drugs and alcohol as a condition of employment. No applicant will be employed until a negative drug/alcohol screen is forwarded to the City of Buhl.
 - (b) Post-accident: Any employee whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to an accident, will be tested based upon the following conditions:
 - i. If the accident caused injuries resulting in medical treatment being provided by a physician (other than first-aid).
 - ii. Accidents resulting in reportable property damage.
 - (c) Random: A list of all safety sensitive employees which include police officers, career and paid on-call fire/EMT's, water operators, wastewater operators, CDL drivers, general public works operators and lifeguards will be submitted to St. Luke's Magic Valley for a computerized random selection process performed on a monthly basis. Randomly selected employees of the City of Buhl will report for testing during work hours or one hour before or after as soon as possible after being notified of the test. Random testing shall be limited to 20 percent (20%) of safety sensitive and public trust employees.
4. The following action(s) on the part of a covered employee will result in disciplinary action up to and including termination:
- (a) Possessing, transferring, using, offering, or being under the influence of any controlled substance, including alcohol that results in a positive controlled substance, while on City property, City time, or in other circumstances which might adversely affect City operation or safety.
 - (b) Consuming such substances prior to reporting to work or during breaks or lunch periods.

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- (c) Refusing to submit to testing for controlled substances or alcohol as required by DOT regulations 49 CFR Part 382.
 - (d) No driver will operate a commercial motor vehicle if the driver tests positive for a controlled substance and or alcohol. A driver who tests positive for use of a controlled substance of alcohol is unqualified to operate a commercial motor vehicle. Upon notification of a positive test result, the city will cause the driver to be immediately relieved of duty until such time as the city's policy allows the employee to return to duty.
 - (e) Adulteration of a sample by a prospective driver shall disqualify that individual from employment with the City of Buhl as specified previously.
 - (f) A participation employee in an after-care drug testing program who tests positive for a controlled substance or alcohol as directed by a Substance Abuse Professional.
5. In the case of alcohol and/or prescription drug dependency, if an employee voluntarily admits they are dependent on alcohol and/or prescription drugs the City of Buhl will refer the employee to a rehabilitation facility for treatment. The expense of such treatment is to be paid by the employee and/or the employee's insurance carrier.
- (a) Upon successful completion of such treatment reinstatement of employment shall be considered.
 - (b) Immediate dismissal will result if a reinstated employee tests positive for illegal substance or alcohol again.
6. This program is not intended to violate individual rights. It is intended to provide for a drug-free environment that enhances the performance of the responsibilities assigned to employees.
7. We sincerely hope that any employee who is experiencing a problem with drugs or alcohol abuse will voluntarily seek help through the Employee Assistance Program available at one of the listed resources. Serious personal problems, including drug abuse, will adversely affect employee performance and can subject the employee or other employees to serious injury and disciplinary action.

1104.5 (D) TELEPHONE USE POLICY - INCLUDING CELLULAR PHONES AND LAND LINES

- 1. Reference to cell phones include cell phone or wireless Personal Digital Assistants (PDA) such as BlackBerry, Droid, etc. that have cell phone, texting, e-mail or other portable electronic communication features.
- 2. The purpose of the Cellular Telephone Use Policy is:
 - (a) To provide standards and clarification for cell phone use.
 - (b) To ensure safe work practices when considering the need to use a cell phone while driving or performing other duties.
- 3. This policy applies to all city employees who use cellular phones during business hours or for city business.

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4. Personal use of city issued cell phones shall be limited. Abuse of cell phone use for personal purpose may result in charges for cell phone minutes and deduction of pay for time spent on phone or personal purpose.
5. Employees whose job responsibilities include driving and who must use cell phones for business use are expected to refrain from using their phone while driving. Allow voicemail or your passenger to handle calls when possible. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not a safe option:
 - (a) Use hands-free device
 - (b) Use the voice-activated or "speed dial" feature.
 - (c) keep the call short
 - (d) Do not take notes while driving.
 - (e) Refrain from discussion of complicated or emotional issues.
 - (f) Keep eyes and attention on the road and both hands free to operate the vehicle.
 - (g) Employees may not use cellular phones or similar devices to receive text messages, surf the internet, check phone messages, or receive or respond to e-mail or text message while driving.
 - (h) In situations where employees drive and accept phone call under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to discipline, including termination.
6. This policy outlines the use of personal cell phones at work and the use of business phones for personal use.
 - (a) While at work, employees must exercise the same discretion in using personal cell phones as for the use of company phones. Personal calls during work hours, regardless of the phone used can interfere with employee productivity and be distracting to others. Cell phones are not to be carried on the job without specific permission from Department Heads. Permission for use will be granted or denied on a case-by-case basis. All employees are asked to make personal calls during breaks and meal periods and to ensure that friends and family members are aware of this policy. The city will not be liable for the loss of personal cell phones brought into the workplace.
 - (b) Where job or business needs demand immediate employee access, a business cell phone, beeper, and/or two way radio may be issued. Cellular phone use on phones supplied by the city is restricted to city business. Personal cellular calls (outgoing or incoming) will only be allowed in limited and infrequent circumstances. These calls should be of short duration.

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Rules of Employee Conduct

1104.6 (E) CANDIDACY FOR ELECTIVE OFFICE

1. While the City recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the City's interest in promoting the efficiency of the public services it performs through its employees.
2. If an employee initiates candidacy against an Elected Official for whom he/she is a subordinate and there is a reasonable prediction of disruption in that officials' office, the employee must immediately resign or face possible termination.
3. A reasonable prediction of disruption is based upon any of the following factors:
 - (a) The size of the office in which the employee works-the smaller the office, the greater the likelihood of disruption;
 - (b) Whether the employee candidate holds a position of trust and confidence to the incumbent-the closer the ties, the greater the likelihood of disruption;
 - (c) Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor-in such circumstances the likelihood of disruption would be greater; or
 - (d) The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another-the greater the amount of contact and interaction, the greater the likelihood of disruption.
 - (e) Not all of the above factors must be met in order to seek resignation or termination of the employee.
4. If the official determines that there exists a reasonable prediction of disruption should the employee remain employed with the City and the employee refuses to resign, he/she may be terminated. The official should set out in writing the factual basis for finding that there exists a reasonable prediction of disruption using the above factors. The written findings should be provided to the employee, placed in the employees;s personnel file and be made a part of the official record. All other applicable procedures that allow an opportunity to be heard, as set out in this policy, will apply.

Employee Classification, Compensation, and Benefits

1105.1 PURPOSE

For varied reasons, employee status must be organized by classes in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure the he/she is properly categorized for the purpose of each issue or benefit type. The City will endeavor to assist with such matters, but the employee is ultimately responsible to assure that his/her service is properly addressed.

1105.2 (A) CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

1. Employment Status

- (a) All employees of the City, including part-time and temporary employees, are AT-WILL EMPLOYEES, except as otherwise provided by this policy, as required by law or pursuant to written contract approved by the City Council.
- (b) Employed Attorneys. Because the Idaho Rule of Professional Conduct govern the relationship between an attorney and his/her client, attorneys employed by the City are considered to be at-will employees, and they serve at the pleasure of the Mayor and City Council, and can be appointed or removed at their pleasure.
- (c) Appointed Officials. The city clerk, treasurer, and any other officials appointed pursuant to Idaho Code §50-204, may only be removed pursuant to Idaho Code §50-206.

2. Employee Classification for Benefit Purposes

The Classification of the position and employee holds with the City may affect the status of obligations or benefits associated with his/her employment. The Primary classes of employees are:

- (a) **Elected Officials:** Elected officials are not considered regular employees. Elected Officials receive employment benefits as identified in a resolution adopted by the City Council.
- (b) **Regular Full-Time Hour Employees:** Employees whose employment is sustained and continuing and whose typical work week consists of a least 40 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the city.
- (c) **Regular Abbreviated Hour Employees:** Employees whose employment is sustained and continuing and whose typical work week consists of a least 30 but less than 40 hours are considered regular abbreviated hour employees. These employees are eligible for employee benefits provided by the City on a prorated basis based upon the average qualifying thresholds have not been reached.
- (d) **Part-Time Employees:** Employees whose employment is sustained and continuing and whose typical workweek consists of less than 20 hours on a regular basis are

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considered part-time regular employees. Part-time regular employees may receive reduced employee benefits as authorized by the City Council and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

- (e) **Temporary or Seasonal Employees:** Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law or those approved by official action of the City Council
- (f) **Independent Contractors:** Independent Contractors who provide services to the City on a contractual basis are not considered Employees of the City. As such, this Policy does not apply to Independent Contractors.

1105.3 (B) COMPENSATION POLICIES

1. **Establishment of Employee Compensation:** Employees are compensated in accordance with, and subject to, decisions of the City Council as annual budgets are set and are subject to increase, reduction, or status quo maintenance for any time period. The Mayor or department head may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the City Council.
2. **Compliance with State and Federal Pay Acts:** The City will comply with all state and federal pay acts governing compensation of its employees.
3. **Right to Change Compensation and Benefits:** The City may change general compensation for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent City budget. Hours worked may be reduced to employees may be laid off as necessary to meet budgetary constraints or as work needs changed.
4. **Additional Compensation Policies:** Elected Officials shall be paid a set salary as established by the Council and in accordance with state code. They shall have no right to overtime pay, compensatory time off, or PTO. Employees determined to be exempt from hourly requirements of the Fair Labor Standards Act shall be paid on a salary basis as established by the City Council.
5. **Overtime/Compensatory Time Policy:**
 - (a) In addition to the employee classifications set forth elsewhere in the policy, all employees are classified as exempt (salaried) or nonexempt (hourly) for the purpose of complying with Federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact you office/department supervisor or the Human Resources Office for further clarification of the employee's FLSA status.

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- (b) Overtime for non-exempt, hourly employees will be allowed only when authorized by the appropriate supervisor or when absolutely necessary in an emergency. Non-exempt employees entitled to overtime compensation will either accrue compensatory time or overtime pay as established by policy adopted by City Council. Compensatory time or overtime pay for work in excess of 40 hours per week, or in excess of the work period interval established for law enforcement officers or firefighters, will be computed at 1 1/2 hours for each additional hour worked. The City Council has set a maximum accumulation of 120 hours of compensatory time. Any compensatory time over that amount will be paid in the next pay period unless otherwise approved by the Mayor.
- (c) Compensatory time shall be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the office/department to tolerate the requested absence. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.

6. Reporting and Verifying Time Records:

- (a) Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the established procedures. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee, and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Exempt employee may be required to document time worked or benefits used for accountability purpose.
- (b) Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, etc., must communicate such concerns to the payroll office or his/her supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's personnel file.

7. Work Periods:

- (a) The workweek for all non-law enforcement, non-exempt employees who are subjected to the FLSA begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday.
- (b) The work period for sworn law enforcement officers and firefighters may be up to the twenty-eight (28) day work period allowed by the FLSA, 29 U.S.C §207(k).

8. Payroll Procedures and Paydays:

- (a) Employees are paid bi-weekly throughout the year. Paychecks or direct deposit receipts are issued on every other Thursday. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
- (b) Each employee must monitor the accuracy of compensation received. Information shown on the employee's paycheck stub is provided for information

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only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the City. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the City Council, the policy will prevail. Employees are obligated to call to the City's attention any such errors, whether to the advantage or disadvantage of the employee.

9. **Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding:** Leave will be granted and full pay provided to employees called to serve as a court witness in matters specifically related to City operations or called to serve on jury duty.
10. **Military Leave:** An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §46-407 and 409, and the Uniformed Service Employment and Reemployment Rights Act (USERRA).
11. **Payroll Deductions:** No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law (Idaho Code §45-609).
12. **Travel Expense Reimbursement:** The City of Buhl has the following policy on lodging, meal and mileage expenses for travel; Limited funds are available to meet training needs. Careful use of available money will maximize training opportunities.
 - (a) **Authorization/Approval:** All overnight travel and travel beyond 150 miles from city limits must be approved by department head. **Steps to follow:** Submit department head approved accounts payable claim form to City Treasurers office prior to travel dates, if possible. (These would be for hotel, class registration, airlines, employee per diem.)
 - (b) **Per Diem:**
 - i. **Overnight Travel:** The city will allocate per diem allowance of \$40.00 per day for overnight travel outside of Buhl.
 - ii. **Less than one day Travel:** For travel of less than one day's duration within the State of Idaho, but out of the City, the Per diem allowance will be:
 - i. Breakfast - up to \$7.50
 - ii. Lunch - up to \$12.50
 - iii. Dinner - up to \$20.00
 - iv. Receipts will need to be submitted for reimbursement.
 - (c) **Vehicle Use:**
 - i. The reimbursement rate for use of personal vehicles will be paid at the current IRS rate in effect. The accounts payable claim form will need to show mileage to meeting site based on map program, i.e. Map quest or Google Maps.

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- ii. If a City vehicle is being used for transportation to a meeting or program there will be no compensation reimbursed for any purpose for mileage expense.

13. **On-the-Job Injuries:**

- (a) Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries must be reported to the employee's supervisor as soon as practicable so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the appropriate Elected Official for review.
- (b) The City will handle worker's compensation claim for sworn law enforcement officers pursuant to Idaho Code, Title 72, Chapter 11.

1105.4 (C) EMPLOYEE BENEFITS

The City offers a number of employee benefits for full-time and abbreviated-hour regular employees. These benefit offerings are subject to change or termination at the sole discretion of the City Council. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the City Council.

1. **Paid Time Off (PTO) Policy:** PTO is alternative to categorized vacation and sick leave accruals. It provides an employee with more flexibility to use his/her time off to meet personal needs, while recognizing an employee's individual responsibility to manage such absences. PTO accrues as the employee works. Employees will not accrue PTO while on an [unpaid] leave of absence or under suspension of any kind.
 - (a) **Accrual Schedule For Full-Time Employees:** Each full-time employee will accrue PTO hours according to the schedule below on each bi-weekly paycheck. Although an employee may carry over unused PTO time from year-to-year, there is a cap on the amount of PTO time each employee can accumulate. Once an employee reaches the cap no further PTO will accumulate until use causes the balance to drop below the cap. After a balance goes below the cap the employee will begin accruing PTO again. However, an employee will not receive retroactive credit for them worked while at the cap limit. (See Chart Below)
 - (b) **Termination:** Employees will be paid for all accrued PTO, subject to authorized deductions, when they leave employment with the City.
 - (c) **Notice and Scheduling:** PTO is to be scheduled with consent of the responsible supervisor. Efforts will be made to accommodate the preference of the employee in scheduling PTO for vacations, but first priority will be the orderly functioning of affected office/departments. There may be occasions, such illness, when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible

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Years of Service	Hours Worked	Accrual (per check)
0-5	Full-time	4.62
0-5	35 hrs per week	4.04
0-5	32 hrs per week	3.69
0-5	30 hrs per week	3.46
5+	Full-time	6.16
5+	35 hrs per week	5.38
5+	32 hrs per week	4.92
5+	30 hrs per week	4.62

1. **Sick Leave:**

- (a) Sick leave benefits are no longer provided to regular full-time employees.
- (b) Sick leave existing on October 1, 2011 will be accounted for separately and must be used for the purpose it was originally granted prior to using PTO hours for sick leave.
- (c) Any sick leave remaining at time of termination or employment will be paid at one-half (1/2) the balance.

2. **Holidays:** Nine official holidays are provided for regular full time and regular abbreviated-hours employees. Employees receive compensation for that day even though they do not work. Holidays which fall on Saturday will be observed on the precedent Friday. Those which fall on Sunday will be observed on the succeeding

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Monday. The holiday schedule may be changed at any time by the City Council. Regular employees who work on holidays will be scheduled to receive a substitute holiday with pay as soon as possible after the date of the holiday they worked. Unscheduled emergency work on holidays will be compensated at a rate of one and one-half (1 1/2) times the employee's regular rate of pay. **Recognized Holidays:** New Year's Day, Veteran's Day, Presidents' Day, Thanksgiving Day, Memorial Day, Friday after Thanksgiving (or a day of employee's choice if off on Fridays), Independence Day, Labor Day and Christmas Day.

3. **Bereavement Leave:** Up to three (3) 8 hour days of paid leave of absence will be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws). Employees have the right to use accrued PTO leave beyond the leave of absence allowed by this section.
4. **Leaves of Absence:** Up to thirty (30) days of unpaid leave of absence can be granted by the Mayor for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of thirty days will required written approval of the City Council
5. **Family Medical Leave Act (FMLA):**
 - (a) **Eligibility Requirements:** To be eligible for FMLA benefits, prior to any leave request, the employee:
 - i. must have worked for the City for at least 12 months;
 - ii. must have worked at least 1,250 hours for the City during the previous 12 months; and
 - iii. the City must employ at least 50 employees.
 - (b) **FMLA Rights:**
 - i. An eligible is entitled to job-protected, unpaid leave for the following reasons: 1.) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee, 2.) care of an immediate family member (spouse, child, parent) who has a serious health condition, or 3.) care of the employee's own serious health condition.
 - ii. The employee may request up to 12 weeks of leave during which the City will continue the employee's benefits (employer portion only). The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any FMLA leave. If the employee does not return to work at the end of the FMLA leave for reasons other than the continued serious health condition of the employee or eligible family member, the City may recovers from the employee the premiums that were paid for the employee's medical coverage during the FMLA leave period.
 - iii. Total FMLA leave for employee spouses/parents who both work for the City is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.
 - (c) **Concurrent Use of Accrued Leave and Worker's Compensation Required:**

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- i. Employees are required to use any accrued paid vacation and sick leave concurrently with any FMLA leave. If the employee does not have sufficient accrued vacation and sick leave to cover the time out on FMLA leave, the employee may take the remainder of FMLA leave as unpaid leave. Employees will continue to accrue vacation and sick leave while utilizing such leave, but will not accrue such leave during the unpaid portion of their leave.
 - ii. If the employee is on Worker's Compensation leave, such leave will also run concurrently with any FMLA leave.
- (d) **Employee Obligations:**
- i. Employees are required to give thirty (30) days advance notice or as much time as practical when the need for FMLA leave is foreseeable. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the employee's or family member's FMLA qualifying medical condition. The City may also require second or third opinions at the City's expense.
 - ii. Employees who are on FMLA leave for their own serious illness for at least 7 calendar days are required to provide a medical practitioner's fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with a job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely the City's in compliance with the provisions of FMLA. If a doctor finds that the employee is not fit to return to duty, the employee will not be allowed to return to work.
 - iii. An employee on FMLA leave will not be allowed to work for any other employer without prior approval from his/her supervisor. An employee who violated this rule will be subjected to disciplinary proceedings up to and including termination from employment.
 - iv. Employees should contact the Human Resource Office to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.
 - v. To request FMLA leave, the employee must contact the Human Resource Office indicating the reason for requesting FMLA leave and the expected duration of leave.
- (e) **Intermittent Leave Requests:** FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee's supervisor or when "medically necessary." In the circumstance of birth or placement of a child for adoption or foster care, intermittent leave is only available by written approval of the supervisor or Mayor.

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(f) **Employer's Rights and Obligations:**

- i. The City has the right to determine whether the employee is or is not an "eligible employee" under the Act and to place an employee on FMLA leave without the employee's consent if the employee meets the eligibility requirements under the Act.
- ii. The City may require periodic notices of the employee's FMLA status and his/her intent to return to work.
- iii. The City will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the FMLA. The only exception may be for individuals who under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury".

(g) **The National Defense Authorization Act:**

- i. The FMLA also provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member- a person who is a spouse, son, daughter, parent or next of kin of the employee and has serious injury or illness incurred in the line of duty that renders that person unfit to perform his or her duties in the Armed Forces. If this type of leave is requested, the City may require medical certification that the service member being cared for has a serious health condition and that it was incurred in the line of duty.
- ii. FMLA also now provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. if this type of leave is requested the City may require certification that the service member has actually been called to active duty.
- iii. Employees will provide prior notice when the need for this type of FMLA military leave is foreseeable.

6. **Benefits for Temporary and Seasonal Employees:** All temporary and seasonal employees will receive benefits as required by law, including Workers Compensation insurance. All other benefits are to be determined in the discretion of the City Council.
7. **Insurance Coverage Available to Employees:** Various insurance benefits are available to employees and family members in accordance with the terms and conditions of the City's contract for such services. The Clerk's Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings may be available to employee or shared expense.
8. **Retirement Program Offering:** The City participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the City to withhold a percentage of an employee's gross salary for pension purpose, and to contribute an additional larger amount on behalf of the employee. Contact the Human Resource Office for further information.

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9. **Transfer of Benefits with Employee Transfer:** Accrued benefits for each employee continue when the employee transfers from one office/department to another within the City. Any such transfer will not result in a reduction of benefits offerings separate and apart from those realized by similarly-situated employee.

Employee Performance and Discipline

1106.1 (A) PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

This discipline/performance policy of the City establishes a consistent procedure for maintaining suitable behavior and a productive working environment. These procedures are directory in nature and minor variations in the processes set forth herein will not affect the validity of any actions taken pursuant to this policy.

1106.2 (B) DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

The following framework guides the process to be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, including termination of the employment. In addition, nothing contained herein is intended to change the at-will nature of the employment for those employees identified as at-will in this policy. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. The City may take any of the prescribed steps in any order when a supervisor deems an action of the employee to be serious enough to warrant certain step.

1106.3 (C) DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations:
 - (a) **Oral Warning**
 - (b) **Written warning or reprimand**
 - (c) **Suspension with out pay**
 - (d) **Demotion**
 - (e) **Dismissal**
2. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

1106.4 (D) OPPORTUNITY TO BE HEARD-ASSERTIONS OF UNLAWFUL DISCRIMINATION AND RETALIATION AND "NAME-CLEARING HEARING"

1. All employees are at-will employees. However, at-will employees may from time to time experience adverse consequences of unlawful discrimination or retaliation. In addition, a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is constitutionally entitled to a name-clearing hearing when one is requested.
2. Unlawful discrimination and retaliation address actions that are alleged to involve decision based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. The city does not condone discrimination on the basis of the foregoing unlawful categories. Unlawful retaliation addresses actions that

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- are taken against an employee for initiating a charge of discrimination or harassment, or for assisting in any way in an investigation of such charges.
3. Failure to pursue this opportunity to be heard or name-clearing hearing procedure constitutes a waiver of this opportunity.
 4. Issues involving job performance or employee attitude, without allegations of discrimination, retaliation, dishonesty, immorality or criminal misconduct, are not the proper subject of this procedure and will not be heard.
 5. The procedure for the opportunity to be heard or name-clearing hearing is as follows:
 - (a) Within fourteen (14) days of his/her termination or demotion, the employee may submit a written allegation of unlawful discrimination or retaliation, or the basis for entitlement to a name-clearing hearing, stating with particularity the basis for the requested hearing. Written allegations that are untimely submitted or that fail to state a particular, legally recognized basis will not be granted an opportunity to be heard. An employee will be notified if a requested hearing is denied.
 - (b) An employee alleging unlawful discrimination or retaliation, or who is legally entitled to a name-clearing hearing, will meet with the City Council. The hearing will not exceed one (1) hour duration.
 - (c) An audio recording of the hearing will be made and maintained as part of the personnel record.
 - (d) The employee's supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges. The City Council may require the employees' supervisor to participate in the hearing.
 - (e) The employees will be provided an opportunity to present evidence upon which the claims are based.
 - (f) The City Council may ask questions during the process.
 - (g) The employee may question participants during this process.
 - (h) The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.
 6. After the hearing, the City Council will consider the information submitted, and such other information as might be in the City's records, to arrive at a decision concerning the employee's allegations. The decision will set forth in writing the reasons for the City Council's determination.

Workplace Discrimination, Harassment and Retaliation Policy and Complaint Procedure

1107.1 (A) PURPOSE

1. This section establishes the City's commitment to provide a work environment free from unlawful discrimination, harassment and retaliation, and to set forth the procedures for investigating and resolving internal complaints of such behavior. This policy should be reviewed by each employee on a periodic basis.
2. It is important that all employees treat all other employees and members of the public with respect and in a lawful and civil manner. It is the responsibility of every employee, supervisor, office/department head and Elected Official to deter inappropriate behavior in the work place. Discriminatory harassing behavior that impacts, or has the potential to impact, the workplace will no be tolerated.
3. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

1107.2 (B) POLICY

1. Unlawful discrimination or harassment of an applicant for employment, a member of the public or an employee by any employee of the City on the basis of race, color, religion, national origin, sex, age (40 and over) or disability is in violation of state and/or federal law and will not be tolerated by the City.
2. Employees found to be participating in any form of employment-related unlawful discrimination or harassment, or retaliating against another employee for filing a complaint alleging discrimination or harassment or cooperating with an investigation, will be subject to disciplinary action up to and including termination of employment.

1107.3 (C) RESPONSIBILITIES

1. **The City**
 - (a) It is the responsibility of the City to develop this policy, provide training on it keep it up to date, and ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this policy.
 - (b) The City designates the Mayor, or his/her designee ("Designated Official"), as the official who will be responsible for directing the procedures of this policy.
2. **Supervisors**
 - (a) Supervisors enforce the policy, train new employees on it, regularly review it with all employees so that the employees know its provisions, and monitor the workplace for compliance.
 - (b) If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the

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affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, harassing or retaliatory, consulting with an office/department head, and taking corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the supervisor's area of responsibility or oversight, he/she should notify the office/department head or other appropriate management employee, who should then take prompt steps to address the allegation.

- (c) If unlawful discrimination, harassment or retaliation is reported or alleged, it must be followed up by a supervisor. A complaining party is not allowed to retract an allegation of such unlawful actions without proving that it was made erroneously.

3. **Employees**

It is the responsibility of every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment and retaliation. But, satisfactory investigation or resolution of complaints cannot occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated, harassed or retaliated against have the primary obligation of informing their supervisor, office/department head, Human Resource Officer or legal counsel for the City of such actions, recounting specific actions or occurrences whenever possible.

1107.4 (D) DEFINITIONS

Unlawful harassment includes, but not limited to, the following behaviors:

1. **Verbal Harassment** - Derogatory comments, slurs, propositioning, or otherwise offensive or abusive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) or disability, whether made in general, directed to an individual or directed to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually-oriented comments about dress or physical features, sexual rumors, code words, race-oriented stories, as well as jokes of a sexual or discriminatory nature or "kidding" that is oriented towards a prohibited form of harassment.
2. **Physical Harassment** - Assault, impeding or blocking movement, leering at, physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age, age (40 and over) or disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.
3. **Visual Harassment** - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex age (40 and over) or disability. This applies to both posted material and material maintained in or on City equipment or personal property in the workplace.
4. **Sexual Harassment** - Any act that is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment

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decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

1. **"*Quid pro quo*" Harassment**, where employment decisions such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances/unlawful sexual harassment. Therefore, only someone in a supervisory capacity with an authority to grant any of such benefits can engage in *quid pro quo* harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
2. **"*Hostile work environment*"**, where the unlawful harassment creates an offensive and unpleasant working environment.

A hostile work environment can be created by anyone in the work environment, whether they are supervisors, other employees or the public. Hostile work environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category. A prohibited hostile work environment does not exist simply because a supervisor is rude, belittles the employee or requires work environment is only present when it is based on the above factors.

1107.5 (E) COMPLAINT PROCEDURE

The following complaint procedure must be followed to address a complaint regarding discrimination, harassment or retaliation:

1. A person who believes he/she has been unlawfully discriminated, harassed or retaliated against should report it to his/her supervisor, office/department head, Human Resource Officer, or legal counsel for the City. If a supervisor becomes aware of a complaint in any way that unlawful discrimination, harassment or retaliation is occurring in any City office/department, the supervisor should immediately report it to a designated official and legal counsel for the City, unless the designated official is the focus of the complaint, in which case legal counsel for the City should be informed, and will have the responsibility to direct the investigation.
2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. Promptly upon receiving the complaint, the designated official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this policy or law has occurred.
4. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the designated official should review the complaint and consult with legal counsel for the City and the Human Resource Officer.

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5. The designated official, in consultation with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party, but the designated official may serve as the investigator in appropriate circumstances.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. As soon as practicable, the investigator will conclude the investigation and submit a report of the findings to the designated official, who will then route it as appropriate.
8. If it is determined that unlawful discrimination, harassment or retaliation has occurred, the appropriate official will recommend the course of action to be taken by the City. The action will depend on the following factors:
 - (a) The severity, frequency and pervasiveness of the conduct;
 - (b) The conduct of the respective employees;
 - (c) Prior complaints made against the person alleged to have committed the offenses; and
 - (d) The quality of the evidence (first-hand knowledge, credible corroboration etc.).
9. If the investigation is inconclusive or it is determined that there has been no unlawful discrimination, harassment or retaliation, but some potentially problematic conduct is revealed, corrective action may be taken.
10. Promptly after the investigation is concluded, the designated official and/or the appropriate supervisors and legal counsel for the City will separately meet with the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
11. The complainant and the person alleged to have committed the offenses may submit statements to the designated officials and/or supervisors challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
12. Promptly after the designated official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel, a decision will be made as to what action, if any, should be taken by the Mayor or department head.

1107.6 (F) DISCIPLINARY ACTION

If unlawful discrimination, harassment or retaliation is determined to have occurred, the supervisor should take prompt and effective remedial action against the actor. The action should be commensurate with the severity of the offense, up to and including termination of employment.

1107.7 (G) RETALIATION

Retaliation in any manner against a person for filing or initiating in good faith a charge or complaint of discrimination or harassment, testifying in an investigation, providing information or assisting in an investigation is expressly prohibited and subject to disciplinary action up to and

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including termination. The supervisor, office/department head and Elected Officials should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

1107.8 (H) CONFIDENTIALITY

Confidentiality should be maintained to the fullest extent possible in accordance with applicable federal, state, and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The City's insurer may also be engaged to assist in all phases of any proceeding or investigation.

1107.9 (I) FALSE COMPLAINTS

Discipline will result, up to and including termination, when it is conclusively determined that an employee made a complaint of discrimination, harassment or retaliation knowing it to be false and/or knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for reporting unlawful employment-based behavior. An employee will not be disciplined for reporting actual behavior that in good faith the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

Conflict Resolution

1108.1 (A) POLICY

The most effective accomplishment of the work of the city requires prompt consideration and equitable adjustment of employee conflicts. It is our desire to resolve them informally. And both Department Heads and employees are expected to make every effort to resolve problems as they arise.

1108.2 (B) PROCEDURES

Employees who are not satisfied with the resolution of the issue with the Department Head, may address the issue with the Mayor in writing. The Mayor will respond within a reasonable time.

Separation from Employment

1109.1 (A) REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, the City may reduce forces in such manner as it deems necessary to maintain the effective functioning of the City services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Mayor, in conjunction with the City Council may make any changes in the work force or assignment or resources deemed to be in the City's best interests.

1109.2 (B) COBRA BENEFITS

Employees who currently receive medical benefits and who resign or are terminated from the employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employee with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resource Officer.

1109.3 (C) EXIT INTERVIEW

Each employee who terminates from the employment is encourage to participate in an exit interview with the designated representative of the City. In such interview, the City should notify the employee when certain benefits will terminate, when final pay will be issued abd review the process to receive COBRA benefits. The employee should be invited to inform the interviewer about his/her impression of employment. An employee exit form may be completed at this point and will be retained in the employee's personnel file.

1109.4 (D) RESIGNATION POLICY

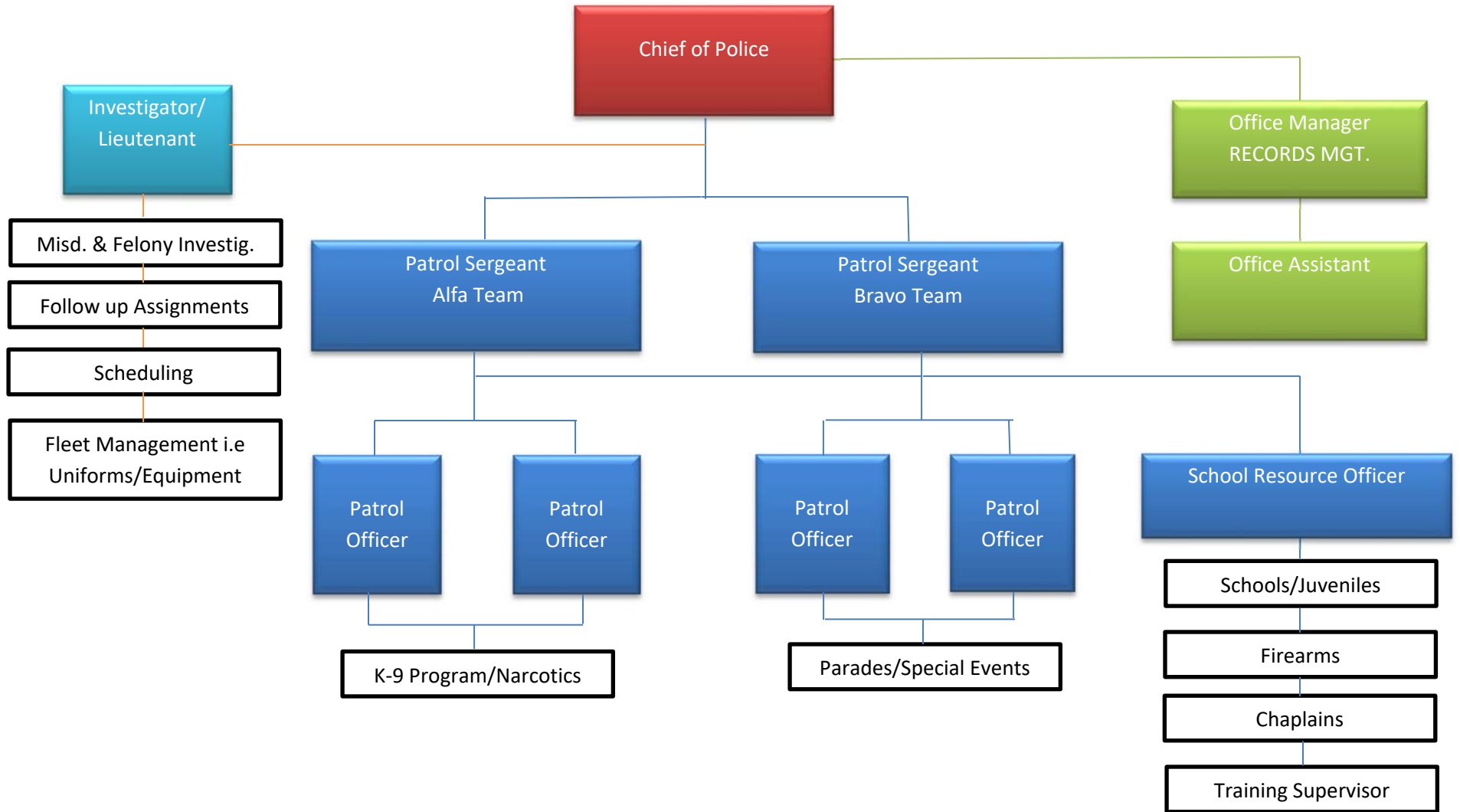
1. Written and oral resignations are effective upon receipt by a supervisor or Elected Official. Oral resignations should be documented by the supervisor after consultation with the Mayor or department head. Evidence of the accepted written or oral resignation should be provided to the employee and placed in the employee's personnel file.
2. Employee who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have resigned through abandonment of his/her position. If an employee's words or action indicate intent to resign, including having an unexcused or unauthorized absence of three (3) or more working days, the City will consider the employee as having resigned and immediately notify him/her of such.

Attachments

Organizational Chart 1.JPG

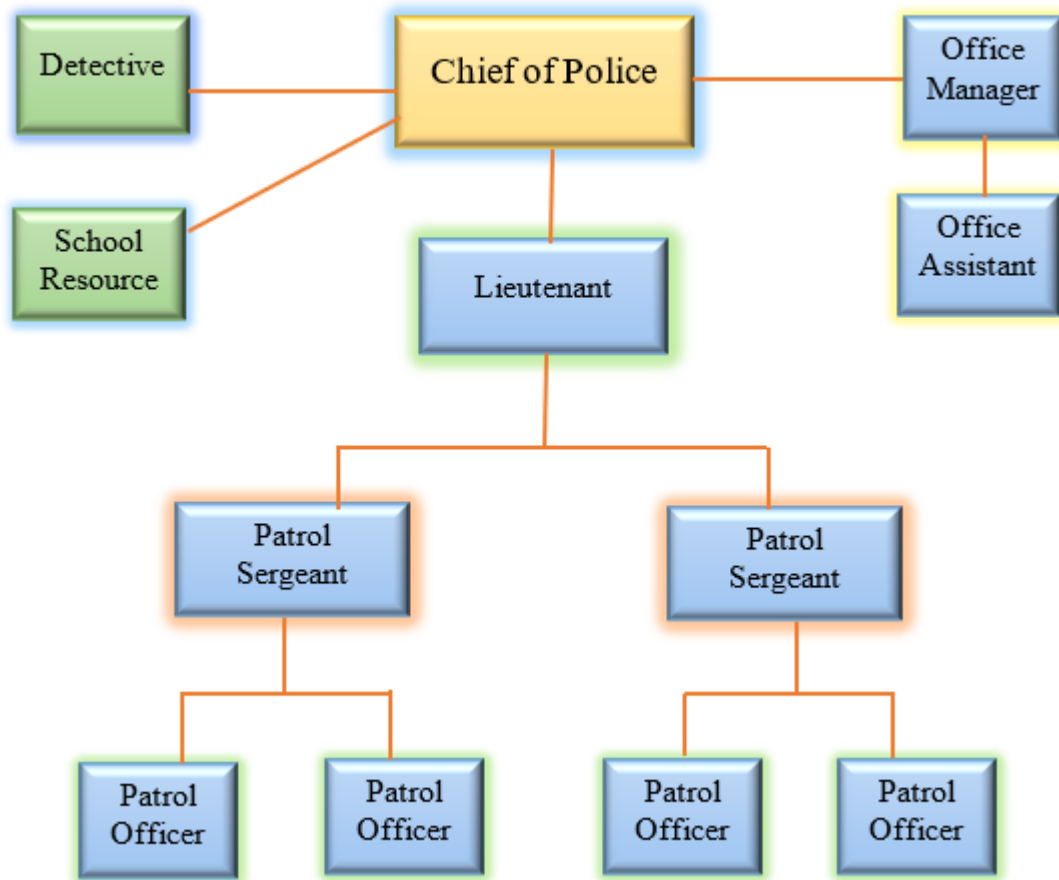
Organizational Chart Revised 2020-04-06.pdf

Organizational Chart 1



Organizational Chart Revised 01-24-2023.pdf

Organizational Chart 1 (updated 01/24/2023)



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