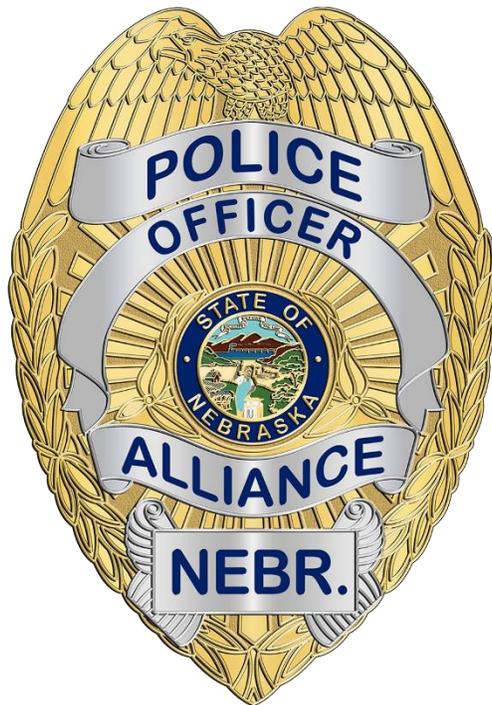


# ALLIANCE POLICE DEPARTMENT

## POLICY MANUAL



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# ALLIANCE POLICE DEPARTMENT GENERAL ORDER

## 1. Ethics

**I. Purpose:** Law enforcement employees, representing government, bear the heavy responsibility of maintaining their own conduct, and the honor and integrity of the government entity that they represent. It is the purpose of this policy to provide additional guidance to the standards of conduct embodied in the law enforcement officer's code of ethics, this agency's mission statement and core values so that employees of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

**II. Policy:** This Department will maintain the highest standard of integrity by never violating the community's trust. All departmental employees must recognize that they are held to a higher standard than the private citizen because, in addition to representing the Department, they also represent the law enforcement profession. Conduct, on and off duty, must be beyond reproach. Agency employees must avoid any conduct that might compromise the integrity, morale, operations or efficiency of the Department.

### III. Definitions:

**A. Ethical Conduct:** In the context of this policy, ethical conduct means the duty of all employees to conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules and values published by this agency.

### IV. Personal Conduct:

**A. Oath of Office:** All sworn employees will take and abide by an oath of office before assuming sworn status. The oath of office is administered by the agency head or designee.

**B. Ethical Conduct:** The Department will maintain the highest standard of integrity by never violating the community's trust. All Departmental employees must recognize that they are held to a higher standard than the private citizen because, in addition to representing the Department, they also represent the law enforcement profession and their local government. Conduct, on and off duty, must be ethical conduct.

**C.** All sworn officers shall abide by the Law Enforcement Code of Ethics. (See Section XIV)

**D. Abuse of Position:** Employees shall not use their Departmental position, identification card, or badge for:

1. Personal or financial gain
  2. Obtaining privileges not otherwise available except in performance of official duty
  3. Avoiding consequences of illegal acts
  4. Employees shall not under any circumstance solicit any gifts, service, gratuity, discount, or anything of value where there is any direct or indirect connection between the solicitation and their Departmental membership, without the expressed written permission of the agency head.
  5. Employees shall not accept any gift, service, gratuity, discount or anything of value, the acceptance of which might tend to influence directly or indirectly their actions in any police business; or which might tend to cast an adverse reflection on the Department or any employee thereof.
- V. Associating with criminal element:** No employee, except in the discharge of duty, may knowingly associate with persons engaged in unlawful activities.
- VI. Informants:** Employees shall maintain a professional relationship with agency informants and shall not have any social, business or any other relationship beyond that required for purposes of agency business with the informant.
- VII. Violations of ethical standards:** Ethical conduct violations will be investigated by the appropriate authority to determine the validity of complaints and to report findings as prescribed by existing policies and procedures.
- VIII. Employee responsibilities:** Employees must exercise judgment, initiative, and sound reasoning in all official transactions; strive for efficiency and effectiveness, exercise restraint in difficult situations, seek self-improvement through formal and informal training, and assist fellow officers whenever possible. In situations where no written directive or supervisory guidance is available, employees are expected to analyze the situation and react in accordance with the mission statement and the core values of this agency.
- IX.** In the performance of their duty, officers are called upon to make difficult decisions and must exercise discretion in situations where rights and liabilities are affected by conduct and judgment. Decisions are not made easily and involve choices which may cause hardship or discomfort. Police Officers must be faithful to their oath of office, the mission statement of this agency, the principles of professional police service, and the objectives of the Department. In the discharge of duty, they must not allow personal motives to govern decisions and conduct.
- X. Conduct Unbecoming an Officer:** The conduct of a public employee, on and off duty, reflects upon the Department. Employees must avoid conduct which might discredit themselves or adversely affect, the morale, operations or efficiency of the Department.

**XI. Courtesy:** Effective law enforcement depends on a high degree of cooperation between the Department and the public. While the urgency of a situation might preclude ordinary social amenities, discourtesy under most circumstances is indefensible. Employees shall be courteous and civil to the public and others, avoiding harsh, violent, profane, or insolent language or manner, and shall maintain objective attitudes regardless of provocation.

**XII. Attention to Duty:** As most police work is performed without close supervision, responsibility for proper performance of duty lies primarily with the officer. An officer has a responsibility for the safety of the community and his or her fellow officers, and discharges that responsibility by faithful and diligent performance of duty.

**XIII. Financial Obligations:** Employees should avoid incurring financial obligations which are beyond their ability to satisfy.

**XIV. Law Enforcement Code of Ethics** is published by the International Association of Chiefs of Police and reads as follows:

As a Law Enforcement Officer my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; 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 laws of the land 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, 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 constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

**XV. Training:** The Department will strive to include a component of ethics in all in-service training. The Department shall conduct annual in-service training on ethics.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **2.1 Issuance of Department Directives**

**I. Policy:** In order to accurately and effectively communicate information, the Department maintains a system of written directives consisting of General Orders, Special Orders and Personnel Orders. In addition, Departmental Correspondence is utilized to facilitate the flow of information.

#### **II. Procedure:**

**A. General Orders:** General Orders have reference to the entire Department: define policy, direct procedures, state rules and regulations; and result in a change in or addition to the policy and procedures manual. General Orders are issued only by the Chief of Police and are effective permanently unless revoked or replaced by another General Order. General Orders are to be placed in the policy and procedures manual.

**B. Personnel Orders:** Personnel Orders are issued for the purpose of announcing the following: The appointment of new personnel; the reassignment or transfer of personnel; the promotion or demotion of members from one rank to another; the restoration of personnel to duty after a prolonged absence; and special assignments, resignation, retirement or death of a member. Personnel Orders are issued only by the Chief of Police. Personnel Orders do not result in a change or addition to the policy and procedures manual and are not placed in the manual.

- C. Special Orders:** Special Orders are issued to define policy and direct procedure in regard to specific circumstances or events that are normally of a temporary and self-canceling nature or applicable only to a specific segment or activity of the Department. Special Orders are issued by the Chief of Police or the Police Lieutenant, and are subject to review by the Chief of Police. Special Orders do not result in a change or addition to the policy and procedures manual and are not placed in the manual.
- D. Departmental Correspondence:** Departmental Correspondence is utilized for written communications primarily as a device to direct, inform, or inquire. May be originated by any member and directed to any member. Departmental Correspondence may be used as follows:
- 1) To direct the actions of subordinates in specific situations or circumstances at a level of command not authorized to issue General or Special Orders.
  - 2) To explain or emphasize portions of previously issued Orders.
  - 3) To inquire or inform.

Departmental Correspondence is not to be placed in the policy and procedures manual.

- E. Serial Numbers:** Serial Numbers for all General, Special and Personnel Orders will be issued by the Chief of Police.
- F. Distribution:** Orders will be issued to all divisions affected by the content. General Orders will be issued to each individual employee.

Copies of all Orders will be maintained in an administrative electronic file in the office of the Chief of Police.

- G. Knowledge of Orders:** Members shall familiarize themselves with all Orders issued to their division, including those which had been disseminated during their absences from duty. The Orders shall be made available to all personnel within each division for referral purposes.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 2.2 Internal Affairs

**I. Policy:** The Alliance Police Department has the responsibility of providing a formal system of internal investigations. The very character of the Department, as well as its reputation, rest on an adequate program of fair and impartial investigation. The purpose of this Order is to establish a method of conducting internal affairs investigations and delineate its authority, duties, and standard operating procedure.

### II. Internal Affairs:

**A. Authority:** The Chief of Police shall be in charge of all internal affairs investigations. The Chief of Police may delegate any part or all of an internal affairs investigation.

**B. Selection:** Internal Affairs Personnel will be designated at the discretion of the Chief of Police. The designee will have experience investigating allegations of misconduct by law enforcement officers.

**C. Duties:** It shall be the responsibility of the Chief of Police to initiate and complete investigative action on all serious complaints against the Department, or any of its members, as well as against General Orders of the Department and City Policies and Procedures. Complaints shall be accepted from any source from inside, as well as outside the Department. The complaints can be made in person, by mail/email, or by telephone, and can be anonymous. All findings and recommendations made during the course of an investigation will be recorded and forwarded to the Chief of Police for a final disposition.

### III. Procedure:

## **A. Referral of complaints:**

- 1.** Serious complaints involving gross misconduct or criminal acts will be referred directly to the Chief of Police or Captain in the absence of the Chief of Police.
  
- 2.** All formal complaints of a serious nature received when the Chief of Police is not available will be documented and forwarded to the Chief of Police. The complainant shall be advised to contact the Chief's office during normal business hours.
  - a.** Formal complaints of the following types will be investigated. (not an all-inclusive list) .
    - Excessive force
    - Discrimination
    - False arrest/imprisonment
    - Unlawful search/seizure
    - Shooting policy/weapons
    - Dishonesty
    - Use of intoxicants or intoxication on duty
    - Neglect of duty
    - Drugs, narcotics violation
    - No response
    - Harassment
    - Civil rights violation
    - Misconduct
      - a)** The commission of a criminal offense
      - b)** A violation of City/Departmental General Orders, Rules and regulations
      - c)** Conduct which tends to reflect unfavorably upon the employee or City/Department (on or off duty)
    - Violations of the City of Alliance Personnel Manual or other policies and procedures
  
- 3.** Complaints that are minor in nature may be handled informally by the sergeant on duty or designee at the direction of the Chief of Police.

**B. Formal Complaints:**

1. A Citizen Complaint/Inquiry Report shall be prepared by the member receiving the complaint, or the citizen, if they agree, can contact the Chief of Police during normal business hours. If the complaint is received by a member it shall remain confidential to that member only and shall not be disseminated in any other fashion except in reporting it to the Chief of Police or his or her designee. The complaint should have the following:
  - a. Complainant's name, address and telephone number
  - b. Type of complaint
  - c. Location, date, and time the incident occurred
  - d. Member(s) allegedly involved
  - e. Brief summary of specific allegations.
  - f. Any other witness to the incident
  
2. Department employees involved in a formal complaint shall be notified of the complaint by the Chief of Police.
  
3. When requested by the Chief of Police or his designee, employees shall submit a written report in regard to the allegation(s) within three working days of the notification. The report shall contain the following:
  - a. All pertinent information pertaining to the allegations.
  - b. A list of all officers and witnesses known.
  - c. Any other information that would be of assistance in the investigation.

4. A thorough, complete, and impartial investigation will be conducted. This investigation may include the taking of formal, signed statements, gathering and preservation of physical evidence and any other investigative mechanism and the collection of any other information relevant to the investigation.
  - a. Whenever an employee is questioned about matters which may or may not result in a criminal prosecution against the employee the employee shall be given the "Miranda- Garrity" or Reverse Garrity" Warning, whichever is applicable. (See attachments A and B)
  - b. For members covered under the Collective Bargaining Agreement/FOP Contract, the Collective Bargaining Agreement/FOP Contract shall prevail if in conflict with this policy.
  
5. When the investigation is completed, a copy of the investigative reports and correspondence will be forwarded to the Chief of Police. These reports will include a recommendation as to the findings.
  
6. The following findings are applicable to internal affairs investigations.
  - a. **Unfounded:** The investigation conclusively proved that the act complained of did not occur. This finding also applies when an individual employee named in the complaint was not involved in the act which may have occurred.
  - b. **Exonerated:** The act which provided the basis for the complaint or allegation occurred; however, investigation revealed that the act was justified, lawful and proper.
  - c. **Not sustained:** Investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove such allegation.
  - d. **Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.

7. The Chief of Police shall approve each formal investigation and may, at his/her discretion, make a new and separate finding. Any new and separate finding will include the reason for the finding, and will include a copy of the original findings both of which will be forwarded to the City Manager.

### **C. Disposition of Investigation Results**

1. Approved investigations shall be processed in the following manner:

- a. **Sustained cases:**

- The involved employees shall be notified by letter as to the completion of the case and of the findings.
- A letter indicating the findings shall be sent to the City Manager.
  
- All copies of the reports shall be retained by the Chief of Police and will be open to review by the involved employee, City Manager and City Attorney's Office.
- A copy of the completed file will be sent to Human Resources.

- b. **Other than sustained cases:**

- The involved employees shall be notified by letter as to the completion of the case and of the findings.
- A letter indicating the findings may be sent to the City Manager
- All copies of the reports shall be retained by the Chief of Police but will be open to review by the involved employee, City Manager and City Attorney's Office.

### **D. Internal Affairs Files**

- l. In order to maintain the confidentiality of the files, access to the files within the Department will be restricted. (Only persons with a need to know the content of the files, based on some part of the internal affairs investigation or the discipline process will be allowed to examine those documents.)

2. Except by a court order, no portion of the investigative internal affairs report shall be given to, or maintained by, anyone outside the Department, other than Human Resources.
  
3. When an employee has a complaint sustained against him/her through an internal affairs investigation, it shall be kept as a part of the employee's personnel file in accordance with City Policy and the Collective Bargaining Agreement/FOP Contract.

#### **E. Civil Claims and Suits**

1. At the Discretion of the Chief of Police, all civil claims and law suits against the Department or its personnel shall be investigated and recommendations made for subsequent action by the City Attorney's Office. This investigation may include, but not be limited to:
  - a. An overview of the incident to determine need for retraining or disciplinary action if there was an error on the part of the Department.
  
  - b. Indication of a prior complaint to Internal Affairs on the part of the claimant and the outcome of that investigation.
  
  - c. A recommendation to the Chief of Police as to suggested action.

## **INTERNAL AFFAIRS - ATTACHMENT A**

### **MIRANDA - GARRITY WARNING**

(To be used when an employee is being questioned about matters which could result in criminal prosecution against the employee and no decision has been made as to whether or not the employee's statements will be used against him in a criminal prosecution.)

At this time, I would like to question you concerning (state the general nature of the matter under investigation). This questioning concerns criminal matters. You (are) (are not) under arrest. (if the person being questioned is suspected of committing a crime, he should be informed of the specific offense for which he is suspected, unless such disclosure would endanger the investigation).

I am now going to advise you of your rights as established by the Supreme Court in the cases of Miranda v. Arizona and Garrity v. New Jersey.

First you have the right to remain silent. You are not required to say anything at any time or to answer any questions. If you do make a statement or answer questions, anything you say can be used against you in a court of law.

Second, you have the right to talk to a lawyer for advice before making a statement or answering any questions, and you may have a lawyer present with you during the questioning if you wish. If you do want a lawyer but cannot afford one, a lawyer will be provided for you. If you want to answer questions now without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Third, even though you are an employee of the Alliance Police Department and ordinarily you would be required by regulations to answer questions put forth to you by a superior officer regarding your official duties, in this instance those regulations do not apply, and you will not

be required to answer. If you do not wish to answer any of these questions, your refusal to answer alone will not subject you to disciplinary action by the Alliance Police Department.

Do you understand that I want to question you about criminal matters?

Do you understand that you do not have to make a statement or answer any questions?

Do you understand that you have the right to talk to a lawyer and have one present during questioning?

Do you understand that if you do not wish to make a statement or answer questions, your desire to remain silent alone will not subject you to disciplinary actions by the Alliance Police Department.

Do you have any questions concerning the rights that I have just explained to you?

Do you want to talk to a lawyer?

Do you want to answer questions at this time?

## **INTERNAL AFFAIRS -ATTACHMENT B**

### **"REVERSE GARRITY" WARNING**

(To be used only when an employee is being questioned about possible criminal matters and it has been officially determined that any self-incriminating statements that the employee makes will not be used against the employee in a criminal prosecution).

At this time, I am going to question you about (state the general nature of the matter under investigation). This questioning concerns administrative matters relating to the official business of the Police Department. I am not questioning you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal legal proceeding.

Since this is an administrative matter and any self-incriminating information you may disclose will not be used against you in a court of law, you are required to answer my questions fully and truthfully. If you refuse to answer questions, this will be considered insubordination and you will be subject to disciplinary penalties.

Do you understand what I have just explained to you?

Do you have any questions concerning what I have just explained to you?

I now order you to answer the following questions.

(Note: All grants of immunity from prosecution based on self-incriminating statements are to be approved by the Chief of Police before they are given.)

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 3. Inspections

- I. **Policy:** Inspections are a staff function at the management level for controlling means, methods and practices, identifying deviations and abuses, and suggesting corrective action. Included are investigations of improper administrative as well as operational practices and deviations from General Orders, which do not originate as a citizen complaint of improper conduct. Inspections are conducted to improve efficiency and compliance. Disciplinary or criminal action should not be taken unless there is a violation of State/Federal Statute(s), Municipal Code, City or Department policy/procedure violations or multiple non-compliance issues by an employee.

Inspections supplement but do not replace ordinary processes of control through management and supervisory practices at each level of the organization. Inspections are an additional mechanism to audit practices at any point or level in the organization.

- II. **Purpose:** Inspections shall ensure:

- A. That General Orders are being carried out;
- B. That General Orders are adequate to achieve the goals of the Department and are reflective of its overall philosophy;
- C. That resources, including personnel, equipment and material are used to their fullest extent and without waste;

- D. That corrective action adequate to remedy problems uncovered is identified and recommended to the Chief of Police;
- E. That, where necessary, new General Orders both operational and administrative are prepared in response to new problems.

### III. Procedures:

#### A. Inspections take four (4) basic forms:

1. **Trace Inspections** are used where a process must be followed from beginning to end. An example would be the audit of a record-keeping function from the time a report is prepared until it reaches its final destination(s). This audit would examine, among other elements, the accuracy, completeness, and consistency of the reports and the efficiency of the record handling process.
2. **General Inspection** is the complete and full-scale review of a division. General Inspections require the involvement of many people within the Department since one of the primary functions is to assess the cost-effectiveness of division activities in relation to its objectives.
3. **Special Inspection** is a much less extensive inspection, which examines only one or two specific functions of a division or shift. (The process by which we account for equipment, etc.)

Either a General Order or Special Inspection may trace audit processes.

4. **Spot Inspection** is the least extensive, which periodically samples or checks a function or process known or suspected to be a problem area. If a problem is found, it is usually followed by a more extensive audit.

- B. Inspections will be conducted at the discretion of the Chief of Police. Requests for inspection may come from any level within the Department, but must follow the chain of command. No findings will be communicated to any person without permission of the Chief of Police.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **4. Duty to Intervene**

I. **Purpose:** It is the purpose of this policy to explain the legal and moral obligation officers have regarding their duty to intervene. This duty is embodied in the Law Enforcement Code of Ethics, and in the law. Officers shall have a clear understanding of this agency's expectations pertaining to the conduct and activities while on and off-duty.

II. **Protection:** This agency is committed to protecting officers who act on their duty to intervene to prevent or minimize misconduct by another agency member.

### **III. Definitions:**

A. **Intervene-** To come between, whether verbally or physical, so as to prevent or alter a result or course of events.

### **IV. Duty to Intervene**

A. **Use of Force:** Officers of this agency have an affirmative duty to intervene if they witness a use of force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use of force that

exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.

- B.** Officers of this agency must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates the law or the agency policy (e.g., excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this agency to disciplinary and or legal action.

## **V. Required Action- Agency Member**

- A.** Officers should take a preventive approach toward misconduct. When an officer observes behavior that suggests another officer is about to conduct illegal, unethical or inappropriate behavior, the officer should intervene verbally or physically, depending on the circumstances.
  - 1)** Example: While conducting a motor vehicle stop for a minor traffic violation, you notice the primary officer raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In an attempt to deescalate the situation you could get the officer's attention to break his/her agitation, walk up next to the officer and ask a follow up question of the driver to slow down the interaction and give the primary officer a chance to collect him/herself, or ask the officer to come speak to you away from the car in order to diffuse the situation.
- B.** If verbal interventions are not sufficient to stop the act, come between the offending officer and the other individual involved.
  - 1)** Example: You observe an officer using a prohibited chokehold while restraining a subject during an arrest. Based on your training and Department policy this use of force is unreasonable. You tell the officer to "get off his neck", but the officer continues to apply the hold. When it is safe to do so you should intervene by pulling the officers arm away from the neck area and assisting in the handcuffing. The arrestee should then be placed in a recovery position that facilitates breathing, such as sitting, standing or on the side, and then medical aid should be called for.
  - 2)** Notify a supervisor after conducting any type of intervention, when safe to do so.

- 3) When a physical intervention is performed, document the incident in writing and submit to a supervisor.

**C. Render Aid:** If any person is injured and requires medical attention, officers of this agency will render aid in accordance with their training and request medical assistance to the scene.

**D. Supervisor Responsibilities:**

- 1) Once notified of an incident involving an officer intervening with another officer, separate all officers involved in the incident.
- 2) Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention. This will include talking with witnesses, collection and review of Body Worn Camera Video, collection and review of any other video or audio evidence and an area canvass, etc.
- 3) Ensure all employees involved in the incident complete a report detailing the circumstances that led to the intervention and what, if anything, occurred once the member intervened.
- 4) Determine whether the action leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create a report.
- 5) If appropriate, consider making a recommendation that the member who intervened receive recognition for his/her actions.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**5. Firearms Specifications Policy**

**I. Purpose:** It is the purpose of this policy to provide officers with guidelines associated with the use, maintenance and safety of agency-authorized firearms and the qualification requirements related to them.

**II. Policy:** In order to maintain optimum efficiency, to provide for safety of both the police officer and the general public and to ensure quality in the firearms and ammunition used by the members of the Department, the following policy and procedures will be adhered to by the officers of the Alliance Police Department.

**III. Definitions:**

- A. Authorized Firearm:** Any make, model, or caliber of firearm that meets this agency's designated requirements and specifications, and has been formally approved by the Chief of Police or designee for general or individual use by sworn law enforcement personnel. This includes Primary Service Handguns, alternate service handguns, Backup Handguns, shotguns, and rifles used for law enforcement purposes and any firearm carried as an off-duty weapon.
- B. Primary Service Handgun:** The firearm authorized by this agency to be carried as part of the service uniform and related equipment for uniformed personnel or the authorized firearm to be carried by plain-clothes officers.
- C. Backup Handgun:** Any authorized handgun other than the Primary Service Handgun that is carried in an authorized concealed manner.
- D. Firearms Qualification:** Periodic testing required of officers to determine their competency to carry authorized firearms, as outlined by state statute and the Nebraska Crime Commission with a minimum passing score of 70%, though the agency can require a higher standard of passing.
- E. Restricted Duty:** In the context of this policy, an assignment that does not require an officer to be armed to take enforcement actions.

**IV. Procedures:**

**A. Primary Service Handgun:**

- 1. The police officers' Primary Service Handgun will be manufactured by Glock unless approved by the Chief of Police and will be:
  - 9mm Semi-Automatic Pistol
  - The Primary Service Handgun will be purchased and issued by the Department.

**B. Patrol Rifle**

- 1. The agency's patrol rifle will be an AR-15 platform manufactured by a reputable company chambered in 5.56 or .223 caliber.
- 2. The patrol rifle will not be left unattended in a patrol vehicle unless locked within the patrol vehicle in an approved secure rifle rack or locked in the trunk or rear cargo area.
- 3. The patrol rifle will be carried with the safety on, bolt forward, and with an empty chamber and a loaded magazine. Two additional loaded magazines will be carried within each patrol unit.
- 4. Magazines for the patrol rifle must meet military specifications and may be of 20 or 30 round capacity.

**C. Shotguns:**

1. The agency's shotgun will be a Remington, Mossberg or Winchester 12-gauge shotgun.
2. The shotgun will not be left unattended in a patrol vehicle unless locked within the patrol vehicle in an approved secure shotgun rack or locked in the trunk or rear cargo area.
3. Shotguns will be carried with a fully loaded tube, empty chamber in the fired position with the safety on unless preparing for use.

**D. Off-Duty and Backup Firearms:**

1. The Chief of Police authorizes the carrying of a concealed off-duty firearm and backup firearm upon the completion of the following: a. submittal of a letter to the Chief of Police requesting to carry the firearm. The letter shall include the make, model, caliber, and serial number of the firearm.
2. Officers may, but shall not be required to, carry an authorized firearm while off duty, but officers shall be required to carry an authorized firearm when in uniform or when operating a marked patrol vehicle whether on or off duty.
3. The following handgun calibers may be submitted for approval for off-duty and backup firearms carry: 9mm Parabellum, .380, .40, and .45 **OR ANY OTHER FIREARM APPROVED BY THE CHIEF OF POLICE.**
4. Backup and off-duty firearms shall be carried concealed when the officer is in plain clothes or in uniform unless; a. the officer is in the workplace, and the officer's badge is prominently displayed next to the firearm; b. the officer is engaged in law enforcement actions that may reasonably require quick access to the firearm, and the officer's badge is prominently displayed near the weapon; or c. the officer is engaged in activities where it would be permissible for a citizen to carry an exposed firearm, such as in hunting or target practice.
5. When armed, whether on or off duty, officers shall carry their badge and agency identification, and the agency strongly encourages the carrying of handcuffs.

**E. Authorized Ammunition:**

1. Duty ammunition will be provided by the Department. No other type of ammunition will be carried by the officer on duty. Off-duty and backup firearms ammunition will not be provided by the Department. Off-duty and backup firearm ammunition needs to be approved by the Alliance Police Department's Firearms Instructor(s) and the Chief of Police prior to carrying.

**F. General Provisions:**

1. Officers, when on or off duty, shall carry only authorized firearms, unless off duty and conducting such activity as hunting and target practice.
2. Only ammunition that has been approved by this agency shall be used in authorized firearms.

3. Only sworn officers who have successfully passed Firearms Qualification shall be authorized to carry an authorized firearm.
4. Officers shall be issued fresh duty ammunition for all authorized firearms during the officer's first scheduled Firearms Qualification each year.
5. Officers on special assignment or Restricted Duty and other officers with an articulable need may request written authorization to not carry or carry alternate service firearms, backup firearms, or alternate ammunition on an ongoing or periodic basis, such as the WING/HITDA Drug and Violent Crime Task Force investigator.

**G. Firearms Qualification:**

1. All officers authorized to carry firearms shall be required to qualify with each authorized firearm on at least an annual basis. Semi-annual qualifications are a desirable objective.
2. All officers shall be graded on an 70% pass or fail basis for purposes of Firearms Qualification, which includes the service, backup, off-duty, rifle and shotgun firearms.
3. At least once a year, all officers authorized to carry firearms shall receive and shall be required to demonstrate their understanding of the law and agency policies and procedures relating to the use of force.
4. Officers who fail to qualify with the primary service firearm for the officer's duty assignment shall be relieved of those firearms, may be reassigned to Restricted Duty, and be subject to the following requirements: a. The officer shall be notified and shall promptly arrange with the firearms instructor for a period of formal remedial firearms training not to exceed one week in duration. Such training does not preclude an officer from engaging in any additional informal practice or training sessions that the officer may deem necessary; b. the officer shall be given additional attempts to re-qualify within a reasonable period of time. A written report shall be forwarded to the Chief of Police of any officer who fails to re-qualify within a reasonable period of time. The report shall include the firearms instructor's recommendations for corrective action; and c. If the officer fails to qualify within a reasonable period he or she may be subject to termination of employment.
5. Other firearms: any officer who fails to qualify in accordance with provisions set forth in this policy with the patrol rifle and/or shotgun shall not be permitted to carry that firearm until the officer passes qualification. The officer may remain on duty if qualified with the Primary Service Handgun.
6. Officers shall be required to qualify with their Primary Service Handgun and additional firearms (as appropriate) following return to duty after a leave of absence when it reasonably appears necessary or if they have missed their qualification date.
7. Pregnant officers shall be notified of the potential risks to the fetus associated with lead and noise toxicity during Firearms Qualification. Should the officer choose to qualify, the Department shall take such precautionary measures reasonably possible to reduce potential contamination from these sources.

#### **H. Firearms Modifications:**

1. Modifications to any agency-authorized firearm require the written approval of the Chief of Police with the written input of designated firearms instructors. This includes, but is not limited to, modifications involving grips, spring kits, sights, or finishes.
2. Defective, unsafe, or unauthorized firearms shall be reported to the firearms instructor.
3. Repairs or alterations to agency-authorized firearms shall be made only by an armorer or firearms instructor employed or authorized by this agency.
4. Authorized firearms shall be maintained in a clean and safe operating condition and shall be inspected periodically by a supervisor, an armorer or a firearms instructor on a bi-annual basis.

#### **I. Firearms Safety:**

1. Officers shall not carry a firearm when on or off duty if they are mentally or physically impaired.
2. Officers shall report, in writing, to their immediate supervisor any use of prescription drugs or other medication or any physical ailment or injury that they reasonably believe could impair their ability or judgment to use a firearm.
3. Officers shall be responsible for the safe storage of all firearms. Firearms shall not be stored in patrol or personally owned vehicles except for temporary storage, when at court, when other options for safekeeping are not available, or if authorized by the Department.
4. All authorized firearms shall be carried in a safe and secure manner as authorized by this agency.
5. Removal of firearms from their holster or other carrying devices for other than authorized purposes, such as tactical use, training and qualification, inspection, or cleaning and maintenance, shall be prohibited. Any careless, flippant, or casual use or display of a firearm shall constitute grounds for discipline.
6. Firearms shall not be permitted in holding facilities, lockups, or jails of other law enforcement agencies.
7. Each year, during Firearms Qualification, the firearms instructor shall provide officers with refresher training and additional information as available - concerning firearms safety and the use-of-force policy.

#### **J. Firearms Registration:**

1. All firearms, including service, backup, off-duty, rifle and shotguns, will be registered with the Department prior to being carried by an officer.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 6. Release of Reports and Documents

- I. **Policy:** All requests for release of Department records and/or documents will be processed by the records clerks under direction of the Chief of Police or other police supervisor. All such releases will be in accordance with applicable state regulations.

#### II. Procedures:

##### A. Release to the Public:

1. Official Department reports/documents will only be released by the Records Supervisor under direction of the Chief of Police or other police supervisor. Accident reports, citations and some incident reports are classified as public records and may be released to the general public.

##### 2. Method of Release:

- a. A request for release of Department records and/or documents must be made in writing to the Alliance Police Department.
- b. Upon receipt of a written request for access to or copies of a public record, the record clerk shall provide to the requester, within four business days after actual receipt of the request, an estimate of the expected cost of the copies and either access to or copies of the public record.

If the records cannot be produced in four days, a written explanation, including the earliest date for fulfilling the request, an estimate of the cost of any copies, and an opportunity for the requester to modify or

prioritize the items within the request, shall be given to the requester. The requester shall have ten business days to review the estimate and request the Records Supervisor to fulfill the original request, negotiate with the Records Supervisor, to narrow or simplify the request, or withdraw the request. If the requester does not respond within ten business days, the Records Supervisor shall not proceed to fulfill the request.

- c. If there is legal basis for denial of access or copies of records, a written denial of the request will be completed within four business days after actual receipt of the request.

**B. Release to Criminal Justice Agencies (Any police agency, federal, state, county or city and any court, probation or parole office):**

- 1. Any reports/documents including case investigative materials may be released to law enforcement and criminal justice agencies or personnel upon written request to the Alliance Police Department.

**2. Method of Release:**

- a. Records will be provided to the agency within four business days of the Alliance Police Department's receipt of the written request.

If the records cannot be produced in four days, a written explanation, including the earliest date for fulfilling the request, and an opportunity for the agency to modify or prioritize the items within the request, shall be given to the agency.

- b. If there is legal basis for denial of access or copies of records, a written denial of the request will be completed within four business days after actual receipt of the request.

**C. Release to Quasi Criminal Justice Agencies:**

1. Requests for investigative reports for agencies such as Child Protective Services, Department of Social Services. etc., may be released upon written request and will be determined on a case-by-case basis upon the determination of the relevance of the request.

**2. Method of release:**

- a. Any reports/documents including case investigative materials may be released upon written request and will be determined on a case-by-case basis upon the determination of the relevance of the request.
- b. Records will be provided to the agency within four business days.

If the records cannot be produced in four days, a written explanation, including the earliest date for fulfilling the request, and an opportunity for the agency to modify or prioritize the items within the request, shall be given to the agency.

- d. If there is legal basis for denial of access or copies of records, a written denial of the request will be completed within four business days after actual receipt of the request.

**D. Sealed Records:**

1. Sealed records will not be given out except under provisions provided under Nebraska Revised Statute 43-2,108.05(3).

**E. Responding to a Subpoena:**

1. According to Supreme Court Rule §6-334(A), a person served with a subpoena pursuant to this rule shall permit inspection, copying, testing, or sampling either where the documents or tangible things are regularly kept or at some other reasonable place designated by that person. If the subpoena states that the person served has an option to deliver or mail legible copies of documents or things instead of inspection, that person may condition the preparation of the copies on the advance payment of the reasonable cost of copying.
2. A person served with a subpoena pursuant to this rule may, within 10 days after service of the subpoena, serve upon the party for whom the subpoena was issued a written objection to production of any or all of the designated materials or entry upon the premises. If objection is made, the party for whom the subpoena was issued shall not be entitled to production of the materials.

**F. Juvenile Records:**

1. Juvenile records will not be released.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**7. Biased-Based Policing**

**I. Purpose:** The purpose of this policy is to prohibit the use of race, ethnicity, gender, or national origin as a reason to restrict liberty, exercise any police power or Police Services upon an individual, except in those cases where one of the classifications above is a descriptive factor concerning a suspect. It is also prohibited to discriminate, in the performance of any law enforcement duties or the delivery of Police Services, based on personal prejudices or partiality of officer(s) that interferes with the professional judgment, training, Departmental policy or adherence to law.

**II. Policy:** The policy of this Department is to respect the rights of all persons who officers and members of this Department come into contact with during any Department service or law enforcement operation.

**III. Definitions:**

- A. Biased-Based Policing:** Discrimination in the performance of law enforcement duties or delivery of Police Services, based on personal prejudices or partiality of officers that interferes with the professional judgment, or training, Departmental

policy or adherence to law. This includes but is not limited to prejudicial decisions affecting individuals in classes protected by the federal or state law. It also includes person(s) with whom officers have such “personal involvement” that they cannot act impartially.

- B. Disparate Treatment:** Differential treatment of persons on the basis of race, color, or national origin.
- C. Motor Vehicle Stop:** Any stop of a motor vehicle, except for a stop of a motorized truck, truck-tractor, semi-trailer, or towed vehicle at a state weighing station.
- D. Racial Profiling:** Detaining an individual or conducting a Motor Vehicle Stop based upon disparate treatment of an individual.
- E. Equal Treatment:** Person(s), irrespective of race or other distinction, shall be treated in the same basic manner under similar circumstances. This does not mean that all persons in the same or similar circumstance can or must be treated identically in all cases. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injuries, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.
- F. Police Services:** The community caretaking functions, which are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These also include but are not limited to such tasks as assistance at fire scenes, traffic accidents, and medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance and other similar activities.

#### **IV. Procedures:**

- A.** All contacts made by members of this agency with any person must meet the requirements of the United States and Nebraska Constitutions.
- B.** No officer shall engage in Racial Profiling or Biased-Based Policing in the enforcement of the law and the delivery of Police Services.

#### **C. Preventing Perception of Bias:**

- a.** Officers should act with courtesy and professionalism on all stops and contacts.
- b.** At the outset of a contact, where feasible, officers should introduce themselves and inform the person of the reason for the stop. This introduction is not required where the introduction would compromise the safety of the officer or any other person.
- c.** Officers should continue the contact for only that time which is necessary to meet the objectives of that which justified the stop to begin with. If the stop is for a traffic violation, officers should not prolong the stop beyond the time it takes to write a warning or a citation. Where reasonable delays

occur, the officer should keep the person informed of the reason for the delay.

- d. Officers should answer questions posed by the persons stopped to the extent possible.
- e. Officers should provide their name and identification number when requested.

**D. Fair and Equal Treatment:**

- a. Officers may not use race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, or cultural group as the sole criteria for determining when or how to take enforcement action or provide Police Services.
- b. Officers must be able to articulate specific facts and inferences drawn from those facts that establish reasonable suspicion or probable cause to take an enforcement action.
- c. Officers shall take equivalent enforcement actions and provide equivalent services to all person(s) in the same or similar circumstances.
- d. Officers who cannot make objective judgments uninfluenced by prejudicial views or attitudes, intolerance to or preference for certain individuals that are unrelated to the situation at hand shall, as soon as reasonably possible, request that other officers assume responsibility for the matter.
- e. Unless exigent circumstances exist, officers or other Department personnel shall not engage in a law enforcement matter when it involves a family member, a relative or other person, such that the officer's objectivity may be or may appear to be compromised.
- f. Nothing in this policy prohibits officers from using the traits and characteristics of person(s), such as race, ethnicity, or national origin, in combination with other facts, to assist in establishing reasonable suspicion or probable cause in the same manner that officers would use hair color, height, weight, or gender for such purposes.

**E. Documentation:**

The Department shall record:

- a. The number of traffic stops.
- b. The characteristics of race or ethnicity of the person stopped. The identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the Motor Vehicle Stop and the information shall not be required to be provided by the person stopped.
- c. If the stop is for a law violation, the nature of the alleged law violation that resulted in the Motor Vehicle Stop.

- d. Whether a warning or citation was issued, an arrest made, or a search conducted as a result of the Motor Vehicle Stop. Search does not include a search incident to arrest or an inventory search.
- e. Any additional information that the State of Nebraska or this agency deems appropriate.

**F. Complaints:**

- a. All complaints regarding Racial Profiling/Bias-Based policing, as defined by this policy, shall be handled in accordance with Department policies related to administrative and internal affairs investigations.
- b. Officers who witness or who are aware of instances in violation of this policy shall report the incident to their supervisor immediately.
- c. The Department shall take seriously all allegations of Racial Profiling/Bias-Based policing. All such complaints shall be forwarded to the Chief of Police for investigation.
- d. A copy of each sustained complaint of Racial Profiling/Bias-Based policing shall be forwarded to the Nebraska Commission on Law Enforcement and Criminal Justice.

**G. Training:**

- a. All officers will receive basic and in-service training and where deemed necessary, remedial training on subjects related to police ethics, cultural diversity, police citizen interaction, standards of conduct, conducting Motor Vehicle Stops and related topics suitable for preventing incidents of Racial Profiling/Bias-Based policing.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**8. Body-Worn Cameras**

**I. Purpose:** The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of **Body-Worn Video Camera (BWC)** as well as directing how video will be utilized as a quality control mechanism and evidence.

**II. Policy:** The policy of this Department is to provide officers with body-worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for officer evaluation and training, and to provide accurate documentation of law

enforcement and citizen interaction. The use of a BWC system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWC and the integrity of evidence and related video documentation.

### **III. Definitions:**

- A. Body-Worn Video Camera (BWC):** A device worn by a peace officer in uniform which has the capability to record both audio and video of and interaction between a peace officer and a member of the public but does not include any device used by a plain clothes officer
- B. Law Enforcement Agency:** An agency or department of this state or of any political subdivision of this state which is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of a town marshal, an office of a county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section 17 84-106; and
- C. Peace Officer:** Any officer or employee of a law enforcement agency authorized by law to make arrests.

**IV. Procedures:** It is the intent of this policy that all officers who will be using BWC equipment shall be trained on the manner in which the BWC shall be tested, maintained, used and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.

- A.** It shall be the responsibility of each individual officer to test the BWC equipment at the beginning of each tour of duty. Officers equipped with the BWC will ensure that the batteries are fully charged prior to the beginning of their shift or special event. In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented and arrangements made for repair.

**V.** Uniformed officers assigned a BWC will wear it at all times while on duty in any type of uniform.

- A.** BWC will be worn as directed by the manufacturer of the particular device to optimize the video/audio perspective of the device.
- B.** Officers are authorized to overtly record any law enforcement event when the officer is a party to the conversation.

- C.** Officer shall activate their BWC when receiving a call for service and prior to arrival at the scene.
- D.** Uniformed officers who are assigned a BWC are required to record with audio and video the following incidents:
- 1.** All calls for service in which citizen contact is made;
  - 2.** All traffic stops;
  - 3.** All citizen transports (excluding ride-alongs);
  - 4.** All investigatory stops;
  - 5.** All foot pursuits;
  - 6.** Arrests of any persons;
  - 7.** Searches of any kind;
  - 8.** Seizure of any evidence;
  - 9.** Requests for consent to search;
  - 10.** Miranda Warnings and response from in custody suspect;
  - 11.** Statements made by citizens and defendants;
  - 12.** K-9 searches of vehicles;
  - 13.** Issuance of written violations;
  - 14.** Field sobriety tests;
  - 15.** When arriving at law enforcement events and/or citizen contacts initiated by other officers; and
  - 16.** Other incidents the officer reasonably believes should be recorded for law enforcement purposes.
- E.** Officers will make every reasonable effort to ensure that the BWC recording equipment is accurately capturing events. A reasonable effort includes:
- 1.** Activating the video/audio recording as soon as the officer makes citizen contact or the law enforcement event begins
  - 2.** Activating the video/audio when the officer arrives at a street encounter, or citizen contact initiated by another officer
  - 3.** Positioning and adjusting the BWC to record the event to the extent this can be accomplished without compromising officer safety.
  - 4.** Officers shall not erase, alter, modify or tamper with BWC recordings
- F.** The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or until the officer who is recording the event through a BWC discontinues his or her participation in the law enforcement event.
- G.** If an officer deems it necessary to stop recording during the event, the officer will make a verbal statement citing his intentions to stop the recording and the reason.

- H. When a BWC recording is being entered into the property and evidence storage and management area of the agency, the chain of custody log shall include, but need not be limited to, the following:
  - 1. Case tracking number;
  - 2. Date recorded;
  - 3. Date submitted;
  - 4. Officer submitting the media; and
  - 5. Hold for evidence indication.
  
- I. If an officer assigned BWC equipment participates in a law enforcement event or citizen contact and becomes aware that the event was not recorded using the BWC equipment, the officer shall notify his or her immediate supervisor as soon as practical. The officer shall also document the circumstance in a police report attached to the incident if applicable.
  
- J. **Officer Review of Video Prior to Making Statements:**
  - 1. Officers shall be allowed to review the audio/visual recordings of an event prior to preparing official reports and documents or answering questions pertaining to the recorded law enforcement encounter.

#### **VI. Issues Related to Privacy:**

- A. The BWC should not be activated when the officer is on break or otherwise engaged in personal activities or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room.
  
- B. For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.
  
- C. Undercover contacts or plain-clothes contacts are exempt from this policy where utilizing a BWC may create a dangerous situation or otherwise diminish the investigative success of the operation.
  
- D. BWC activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigations of law violations.
  
- E. When entering a residence, there is a heightened degree and expectation of privacy. Officers should normally inform the resident that he or she is being recorded.
  
- F. The purposeful-intentional activation of BWCs during personal conversations between officers and between officers and supervisors involving counseling, guidance sessions, or personnel evaluations, is prohibited by this policy unless all parties present agree to be recorded.

#### **VII. Recording of Juveniles and Release of Materials.**

- A.** Access to a person's juvenile crime records is much more restricted than access to adult crime records. Most juvenile crime records are confidential, and access will be denied to the public and media. Access to juvenile records is usually only granted to certain persons and organizations, such as: local, state and federal law enforcement, prosecutors, court officials, parents, and the juvenile's attorney. Recordings that capture criminal activity involving juvenile offenders will not be released to media or the general public.
- B.** No recordings of juveniles captured through the use of the Department's BWC/MVR will be released to the public or the media; this includes but is not limited to images and voice recordings of juvenile victims and juvenile witnesses.
- C.** School Resource Officers (SROs): Students are protected from release of records by the Family Educational Rights and Privacy Act (FERPA; 20 U.S.C. § 1232g; 34 CFR Part 99), which is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. SROs that capture video and audio recordings of students during educational and extra-curricular school activities are subject to FERPA.

### **VIII. Electronic storage**

- A.** Original digital files from BWC will be downloaded and stored on a designated network server or other electronic storage.
- B.** Officers shall download video/audio files before the end of each shift.
- C.** In accordance with Nebraska Legislative Bill 1000 (2016), recordings created by BWCs shall be retained for a minimum period of ninety (90) days from the date of recording. Such recordings shall be retained for more than ninety (90) days if required by the following circumstances:
  - 1.** Upon notice to the law enforcement agency of a criminal or civil court proceeding in which the recording may have evidentiary value or in which the recording is otherwise involved, the recording shall be retained until final judgment has been entered in the proceeding;
  - 2.** Upon notice to the law enforcement agency of a disciplinary proceeding against an employee of the agency in which the recording may have evidentiary value, or in which the recording is otherwise involved, the recording shall be retained until a final determination has been made in such proceeding;
  - 3.** If the recording is part of a criminal investigation that has not resulted in an arrest or prosecution, the recording shall be retained until the investigation is officially closed or suspended;
  - 4.** A procedure governing the destruction of recordings after the retention period has elapsed; or

- 5. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.
- D. This agency will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.
- E. All recorded media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency is strictly prohibited without specific authorization of the Chief of Police or its designee.
- F. Malicious destruction or deletion of video and audio files is prohibited.
- G. All video and audio files are subject to open records requests as allowed by state law.
- H. Electronic media will be stored in a manner designated by the agency.
- I. Electronic media is subject to review by the Chief of Police or its designee.
- J. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Chief of Police or its designee.
- K. First line supervisors should review at least two (2) BWC recording every thirty (30) days for each officer he or she supervises for policy, training and legal compliance. After review, the supervisor will document the review and any supervisory actions taken. Supervisors should meet with the individual officers he or she supervises to provide guidance, training and correction when required. Supervisors will initiate formal counseling or internal affairs procedures as the need arises. When corrective action is taken, a special review may be implemented for that particular officer for a set duration in order to ensure compliance with the corrective action.

#### **IX. BWC Evidentiary/Administrative Procedures:**

- A. When an officer becomes aware that a BWC recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this Department.
- B. When BWC audio/video footage related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the audio/video is uploaded to the network server and disseminate per Department procedures.
- C. Where there is any indication that the BWC may contain “*Brady*” material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy of this Department.

D. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or its designee, through the process of evidentiary discovery and/or proper public records requests.

X. **Training:** Training will be provided to any police officer who will use a BWC and to any other employee who will come into contact with video or audio data recorded by a BWC.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 9. Eyewitness Identification

I. **Purpose:** It is the purpose of this policy to establish guidelines for eyewitness identifications using showups, photo arrays, and lineups.

II. **Policy:** Eyewitness identification is a frequently used investigative tool. Officers shall strictly adhere to the procedures set forth herein, in order to maximize the reliability of identifications and gather evidence that conforms to contemporary eyewitness identification protocols.

### III. Definitions:

A. **Functional Equivalent (FE) Procedures:** Procedures used when an independent administrator is not available. FE Procedures permit the investigative officer to conduct a photo array using procedures that preclude him or her from knowing the suspect that is presented to the witness.

B. **Independent Administrator:** The officer administering the lineup or photo array who has no knowledge of the suspect's identity.

C. **Lineup:** Live presentation of individuals, before an eyewitness, for the purpose of identifying or eliminating suspects.

D. **Photo Array:** Showing photographs to an eyewitness for the purpose of identifying or eliminating suspects.

E. **Sequential:** Presentation of photos or individuals in a live lineup to a witness one at a time rather than all at once.

F. **Showup:** The presentation of a suspect to an eyewitness in a short time frame following commission of a crime to confirm or eliminate him or her as the perceived perpetrator. Showups, also referred to as *field identifications*, are conducted in a contemporaneous time frame and setting with the crime.

**G. Simultaneous:** Presentation of photos or individuals in a live lineup to a witness all at once.

#### **IV. Procedures**

**A. Showups:** The use of showups should be avoided whenever possible in preference for the use of a photo array or a lineup. Generally, this type of identification occurs within a short time period of the crime and within a reasonable proximity (geographically) from the crime. However, when circumstances require the prompt display of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness:

1. Document the witness's description of the perpetrator prior to conducting the showup.
2. Use showups only when the suspect is detained within a reasonably short time frame following the offense.
3. Do not use single suspect showups if probable cause to arrest the suspect has already been established.
4. Transport the witness to the location of the suspect whenever possible, rather than bringing the suspect to the witness.
5. Do not conduct showups when the suspect(s) are in patrol cars, handcuffed, or physically restrained by police officers, unless necessary due to safety concerns.
6. To the extent that an officer may safely do so, the officer should take steps to minimize the suggestiveness of the identification. The following should be considered:
  - a. Have the suspect standing outside of any law enforcement vehicle rather than in the vehicle.
  - b. Have the suspect standing without handcuffs or with handcuffs not visible to the witness.
  - c. The appearance that the suspect maintains his or her freedom will undercut suggestiveness.
  - d. If items taken or used in the crime have been recovered, do not allow the witness to view or become aware of the recovered item(s) until after the identification proceeding is complete.
7. Do not take suspects to the witness's residence, unless it is the scene of the crime.
8. Caution the witness that the person he or she is about to see, may or may not be the perpetrator.
9. Separate witnesses and do not allow communication between them before or after conducting the showup.

10. If one witness identifies the suspect, use a lineup or photo array for remaining witnesses.
11. Do not present the same suspect to the same witness more than once.
12. Do not require showup suspects to put on clothing worn by, speak words uttered by, or perform other actions of, the perpetrator.
13. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.
14. Ask the witness how certain he or she is of any identification that is made of the suspect. Document the exact words used by the witness without prompting the witness to elaborate.
15. Remind the witness not to talk about the showup to other witnesses until police or prosecutors deem it permissible.
16. Record the identification process using an in-car camera, BWC or other audiovisual recording device where available.
17. Document the time and location of the showup, the officers present, and the outcome of the procedure.
18. Officers should document the existence/lack of existence of the following when writing reports as such evidence may be exculpatory to the suspect who is charged with a crime:
  - a. The witness's opportunity to view the suspect at the time of the crime;
  - b. The accuracy of the witness's description of the suspect prior to the identification procedure;
  - c. The level of certainty exhibited by the witness in making the identification;
  - d. The length of time that has passed between the crime and the identification procedure; and
  - e. The witness's failure to recognize the subject or additionally, if the witness identifies a suspect in the future, this failure to identify the first subject presented to them may add credibility to their identification.

## **B. Photographic Identifications:**

### **1. Creating a Photo Array:**

- a. The photo array should consist of a minimum of six photographs. Use a minimum of five non-suspect filler photos together with only one suspect photo. It is recommended that a non-suspect filler photo be used as the lead photo and that two blank photos be introduced following the sixth photo. Number all photos and blanks.
- b. Use contemporary photographs of individuals who are reasonably similar in age, height, weight, and general appearance and are of the same sex and race, in accordance with the witness's description of the suspect. Do not mix color and black and white photos; use photos of

the same size and basic composition; never mix mug shots with other photos; and do not include more than one photo of the same suspect.

- c. Cover any portions of mug shots or other photos that provide identifying information on the subject, and similarly cover other photos used in the array.

**2. Conducting the Photo Array:**

- a. An officer who is unaware of the identity of the suspect, acting as an independent administrator, shall present the photos, if possible.
- b. If an independent administrator is not available, the investigative officer shall use the following FE Procedures:
  - 1. Place the suspect and filler photos in a blank and unmarked folder. Include four blank folders, for a total of ten.
  - 2. Shuffle the folders before giving them to the witness.
  - 3. The officer administering the array should position him or herself so that he or she cannot see inside the folders as they are viewed by the witness.
- c. Whenever reasonably possible, make an audiovisual recording of the photo array identification procedure.
- d. Give the witness a copy of the following instructions prior to presenting the photo array and read the instructions aloud before the identification procedure.

*In a moment, I am going to show you a series of photos. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included. The investigation will continue whether or not you make an identification. Even if you identify someone during this procedure, I will continue to show you all photos in the series. Keep in mind that things like hair styles and facial hair can be easily changed and that complexion colors may look slightly different in photographs. You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator. The photos will be shown to you one at a time. Take as much time as you need to look at each one. After each photo, I will ask you, "Is this the person you saw \_\_\_\_\_?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your words, can you describe how certain you are?"*

*Regardless of whether you make an identification, we will continue to investigate the incident. Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should not discuss this identification procedure or its results with anyone. Do you understand the way the photo array procedure will be conducted and the instructions I have given you?*

- e. Position the photos so that the witness does not know the number of photos that will be shown.
- f. Show the photo array to only one witness at a time; separate witnesses so they will not be aware of the responses of other witnesses.
- g. Avoid multiple identification procedures in which the same witness views the same suspect more than once.
- h. Do not comment on selections or outcomes of the procedures in any way.
- i. If the witness makes an identification, the officer shall ask the witness to state in their own words how certain he or she is of any identification that is made of the suspect. Document the exact words used by the witness without prompting the witness to elaborate. The witness who selects a photo as the suspect should sign and date the photo they have selected with a full signature and only initial and date the other photos presented to them.
- j. Ask the witness to complete and sign the photo display form.
- k. Preserve the photo array, together with full information about the identification process for future reference.

**C. Lineups:**

**1. Creating the Lineup:**

- a. Use a minimum of six persons who are reasonably similar in age, height, weight, and general appearance and are of the same sex and race.
- b. If there is more than one suspect, include one each in separate lineups.

**2. Conducting the Lineup:**

- a. An independent administrator shall conduct the lineup whenever reasonably possible.



consider allowing the attorney's presence at the identification proceeding. The presence of an attorney undercuts later claims that the process was somehow suggestive with respect to the suspect.

- c.** Fulfilling the necessary legal requirements for transfer of the subject to the lineup location should he or she be incarcerated at a detention center. The officer shall make arrangements for picking up the prisoner, to include a timely notice to the detention center concerning the pickup.
- d.** Making arrangements to have persons act as fill-ins at the lineup who are of the same race, sex, approximate height, weight, age, and physical appearance and who are similarly clothed.
- e.** Avoiding the use of fill-ins who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- f.** Creating a consistent appearance between the suspect and the fillers with respect to any unique or unusual features (e.g., scars, tattoos, and facial hair) used to describe the perpetrator by artificially adding or concealing that feature.
- g.** Placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case.
- h.** Ensuring that the prisoner has been informed of his or her right to counsel if formal charges have been made against him or her and that he or she has the opportunity to retain counsel or request that counsel be provided.
- i.** Obtaining a written waiver on the prescribed Departmental form should the prisoner waive his or her right to counsel.
- j.** Allowing counsel representing the accused sufficient time to confer with his or her client prior to the lineup and to observe the manner in which the lineup is conducted.
- k.** Ensuring all persons in the lineup are numbered consecutively and are referred to only by number.
- l.** Ensuring that a complete written record and, if possible, an audiovisual recording of the lineup proceedings are made and retained.
- m.** Ensuring that witnesses are not permitted to see or be shown any photos of the accused immediately prior to the lineup.

- n. Ensuring that only one witness views the lineup at a time and that witnesses are not permitted to speak with one another during lineup proceedings.
- o. Scrupulously avoiding the use of statements, clues, and casual comments or providing unnecessary or irrelevant information that in any manner may influence the witness's decision-making process or perception.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **10. Agency Issued and Personal Cellular Telephone**

- I. **Purpose:** The purpose of this policy is to ensure the safety of officers by providing complete information through the most effective means available and providing for the efficient operation of the agency.
- II. **Policy:** This policy sets forth the agency rules and regulations regarding the use of agency issued cellular phones while on duty as a member of this agency.
- III. **Definitions:**
  - A. **AI:** Agency issued.
  - B. **Emergency:** A serious, unexpected, and often dangerous situation requiring immediate action.
  - C. **Interactive Wireless Communication Device:** Any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that send or receives messages, an audio-video player that sends or receives messages, or a laptop computer.
- IV. **Procedure:** For use of an agency issued ("AI") cellular phone:
  - A. **General Use.** Cellular phones are provided to certain employees in order to enhance the efficiency of the Department.
  - B. **Miscellaneous issues relating to cellular phone use.**
    - a. **Operating an Agency Vehicle.** Except related to urgent police business, officers shall not operate an agency vehicle while using a cellular phone. If it is necessary to use a cellular phone while driving, it should be done using the hands-free feature.

- b.** All officers shall be aware that the use of a recording device such as a Department issued camera, video recorder, or cell phone equipped with a camera and or video recording device capable of recording and documenting evidence at the scene of an incident under investigation by the Department, must be considered to have potential evidentiary value. These images and recordings contain potentially inculpatory and exculpatory materials. Therefore, when any member of the Department uses a recording device of any type to capture images or verbal recordings related to incidents under investigation by the Department, the material must be preserved and disclosed.
- c.** The supervisor/investigator will take the appropriate steps to ensure the evidence is properly preserved and the chain of custody followed.
- d.** Under no circumstances will an officer who has recorded any evidence in accordance with this policy re-produce, copy, or forward the image or recording by means of social media, internet, e-mail or similar media sharing devices with any person other than those persons who are acting in their official capacity in accordance with Nebraska law.
- e.** The officer who transfers evidence from a recording device to any person or agency will document that evidence transferal in the records management system of the Department where that investigative case file is maintained.
- f.** No employee shall utilize the text messaging function of an Interactive Wireless Communication Device when in operation of an agency vehicle. Officers shall not use a wireless handset to compose, read, or send a text message while operating an agency vehicle.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **11. Internet Postings-Social Media**

- I. Purpose:** It is the purpose of this policy to direct the employees of this agency with respect to the use of the internet, the world-wide web, and social networking as a medium of communication impacting this Department.

**II. Policy:** The internet, web logs (“blogs”), social networking sites (i.e., “Instagram”, “Facebook”) and any other mediums of electronic communication shall not be used in a manner which is detrimental to the mission and function of this agency.

**III. Procedure:**

- B.** Employees of this agency are prohibited from using agency computers for any unauthorized purpose, including gambling sites, pornographic sites, etc., except in the course of their duties.
- C.** Employees of this agency are prohibited from posting, or in any other way broadcasting, without agency approval, information on the internet, or other medium of communication, the business of this agency to include but not limited to:
  - a.** Photographs/images related to any investigation of this agency;
  - b.** Video or audio files related to any investigation of this agency;
  - c.** Logos/Uniforms/Badges or other items which are symbols associated with this agency; or
  - d.** Any other item or material which is identifiable to this agency.
- D.** Employees of this agency who utilize social networking sites, blogs, or other mediums of electronic communication in their off-duty time, including sites like Facebook, Instagram, and X, shall maintain an appropriate level of professionalism and appropriate conduct so as not to broadcast in a manner which is detrimental to the mission and function of this agency or otherwise impairs the efficiency of this agency.
  - a.** Employees shall not use references in these social networking sites, or other mediums of communication, that in any way represent themselves as an employee of this agency without prior agency approval. This shall include but not be limited to:
    - i.** Text which identifies this agency;
    - ii.** Photos that depict the logos, patches, badge or other identifying symbols of this agency;
    - iii.** Accounts of events that occur within this agency where such information would reveal non-public information under state law; would violate confidentiality provisions of law; would impact ongoing investigations; or would otherwise impact the efficient operations of this agency; or



## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 12. Duty to Disclose

- I. **Purpose:** An agency and its personnel could be subject to liability in federal court for failing to disclose to a prosecutor any evidence that may be favorable to a defendant. The purpose of this policy is to ensure that agency personnel are in compliance with the landmark United States Supreme Court decisions of *Brady v. Maryland* (1963) and *Giglio v. United States* (1972) and their progeny.
- II. **Policy:** It is the policy of this agency to require that law enforcement personnel provide all potentially exculpatory evidence to prosecutors. Furthermore, it will be the responsibility of the Chief of Police or its designee to review all officers' files to determine if any officer has a disciplinary history that would impact the officer's credibility as a witness. This information should be made available to the prosecutor for a determination of whether said information is "Brady" material prior to officer appearance.
- III. **Definitions:**
  - A. **Duty to Disclose:** The landmark decision of *Brady v. Maryland* (1963) places an affirmative Constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potential exculpatory information.
  - B. **Exculpatory Evidence/Brady Material:** Evidence in the government's possession that is favorable to the accused and that is material to either guilt or punishment, including evidence that may impact the credibility of a witness.
- IV. **Procedures:**
  - A. Officers are required to document all investigative activity involved in an investigation, including exculpatory information.
  - B. All official reports involving an investigation will be submitted to the prosecuting authority prior to actual prosecution of the case. The prosecutor will determine what information contained in the case file will be provided to defense counsel.
  - C. The Department will meet with the prosecutor's office to establish a procedure whereby the intent of this policy is carried out.
  - D. Each employee who is notified to appear as a witness in a criminal case has an individual obligation under this policy to notify the prosecutor on the specific case of

any sustained disciplinary history that may impact credibility and qualify as “Brady” material.

- E. This agency will ensure through training and policy review, that all sworn personnel are familiar with the requirements of this policy and will stress the importance of credibility as an essential requirement of being able to function as a police officer.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **13. Domestic Misconduct**

- I. **Purpose:** Police agency employees come from the community. They may become involved in domestic matters. Because they are police employees and their status is usually known to other persons in the community and they are representatives of the police agency, the agency must take positive steps to ensure that domestic matters do not adversely affect the employee’s ability to perform, or compromise the conduct of agency missions, or create moral, operational or efficiency problems for the agency. The agency is dedicated to providing assistance for the employee during these critical times so that the employee may resolve the situation and return to being a productive member of the agency without these types of personal and family concerns.
- II. **Policy:** It is the policy of this agency to deal directly with any employee involved in acts of domestic misconduct. The ultimate mission of the agency is to assist the employee to resolve these family/relationship problems, to ensure that these acts do not adversely affect the employee or the agency during the period of resolution, and to provide the agency with a safe work environment.
- III. **Definitions:**
  - A. **Domestic misconduct:** The agency defines this type of conduct very broadly. This definition may be broader than state law, but it is intended to assure the continuation of positive performance within the agency by the involved employee and other members of the agency. A domestic relationship involves any employee who is or has been married to the other party, involves any member of the employee’s household, who is living or has lived with the other party, has had a child with the other party, or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.
  - B. **Collateral misconduct:** Any conduct by another member of the police agency to assist another agency employee in the continuation of the act of domestic

misconduct. This would also include any actions designed to shield the employee or impair the ability of the agency to be informed of the domestic misconduct.

- C. Service of court papers:** Any documents from a judicial proceeding which are designed to assist in ameliorating the domestic misconduct or curtailing specific actions by the parties involved in the domestic misconduct.
  - D. Self-reporting:** It is the responsibility of the employee to provide the agency with specific notice whenever he/she is involved in any acts of domestic misconduct. This is specifically true whenever the employee is the subject of any judicial proceeding concerning these types of acts, whether the employee is the person complained of or the victim.
  - E. Administrative no-contact orders:** These are written orders by a supervisory employee, preferably the Chief of Police or its designee, and served upon an agency employee designed to curtail any further domestic misconduct.
- IV. Procedure:** The agency shall take immediate action when notified of any act of domestic misconduct involving an employee of this agency.
- A.** When the incident occurs within the jurisdiction of this agency:
    - a.** Assign the call for response by two uniformed officers and a supervisor. In cases where no supervisor is on duty, a supervisor will be notified and respond.
    - b.** The supervisor will assure that any violence is curtailed, all parties are protected, and any required medical assistance is provided.
    - c.** The supervisor shall ensure that all evidence is properly recorded and collected.
    - d.** Once the incident is contained, the supervisor shall call for response by an outside law enforcement agency to conduct the investigation, if an outside law enforcement agency is available. It is preferred that an outside law enforcement agency conduct the investigation of an agency employee involved in domestic misconduct.
    - e.** The outside law enforcement agency is responsible for the criminal investigation, if warranted and if an outside law enforcement agency is unavailable, the supervisor on scene will be responsible for the criminal investigation.
    - f.** The supervisor shall notify the Chief of Police or its designee at the earliest moment.
    - g.** The decision to arrest an agency employee involved in domestic misconduct shall be the responsibility of the on-scene outside law enforcement agency and, if unavailable, the supervisor on scene. When probable cause exists, the employee **shall** be arrested and processed the same as any civilian.
  - B.** The supervisor and responding officers, or, if not done by these persons, the Chief of Police or its designee shall:

- a. Take immediate steps to ensure that there is no continuation of the domestic misconduct;
  - b. Ensure that victim advocate assistance is offered and provided when necessary; and
  - c. Ensure that an immediate safety plan is discussed with the victim of the domestic misconduct and assist in any manner to ensure this continued safety.
- C.** The Chief of Police or its designee shall be responsible for:
- a. Issuing an administrative no-contact order to the agency employee if warranted;
  - b. Ensuring that the appropriate assignment decision is made regarding the agency employee;
  - c. Ensuring that the criminal investigation has been conducted in a reasonable manner;
  - d. Developing and/or implementing any necessary safety plan to ensure employee safety; and
  - e. Conducting the administrative investigation of the incident and any collateral employee misconduct. The agency shall be listed as the complainant.
- D.** When the incident involving domestic misconduct occurs in a jurisdiction other than that of this agency:
- a. The agency person notified of this incident shall immediately notify the Chief of Police or its designee.
  - b. The Chief of Police or its designee shall make immediate contact with the involved agency to ensure that our agency is kept on notice of the progress of the investigation.
  - c. The Chief of Police or its designee shall ensure that the employee and the persons involved are aware that the agency will assist them during this process.
  - d. The Chief of Police or its designee is responsible for determining whether an administrative no-contact order is warranted and will be responsible for serving this upon the agency employee, when necessary.
- E. Service of court orders:**
- a. The Chief of Police or its designee shall facilitate, when requested, the service of any court orders upon agency employees.
  - b. The Chief of Police or its designee shall be responsible for the determination regarding any assignment limitations involving the employee who is subject to the court order.
- F. Conviction of a crime of domestic violence:** When a sworn employee is convicted or pleads to any crime related to domestic violence that brings in the provisions of 18 U.S.C. 922(g)(9), the employee shall be terminated as not being

able to function completely within the job classification for which he or she was hired.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **14. Early Intervention System**

- I. Purpose:** A comprehensive Personnel Early Intervention System is an essential component of good discipline in a well-managed law enforcement agency. The Early Intervention System is a supervisory tool and not a disciplinary process. The early identification of employees exhibiting symptoms of stress or other behavior that could pose a liability to the community, the Department, or the officer, must be detected as soon as possible. When appropriate, an intervention consisting of a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.
- II. Policy:** The Department will establish an Early Intervention System to identify agency employees who may require agency intervention efforts. The system should identify patterns of behavior that might be symptomatic that an individual employee requires an intervention. The system should review at a minimum:
  - A.** Having a large number of citizen complaints;
  - B.** Being part of a large number of incidents involving the use of force;
  - C.** Making a large number of arrests for resisting an officer;
  - D.** Having a large number of the arrests that he or she has made that result in no charges being filed because of issues such as improper searches or detentions;
  - E.** Discharge of a firearm;
  - F.** Use of sick leave;
  - G.** Preventable accidents;
  - H.** Domestic misconduct incidents;
  - I.** Civil litigation; or
  - J.** Performance Evaluations.
- III. Definitions:**
  - A. Early Intervention System (EIS):** A databased management tool designed to identify officers whose performance exhibits potential problems, and then to provide

interventions, usually counseling or training, to correct those performance problems. Early Intervention Systems have emerged as an effective mechanism for enhancing accountability within law enforcement agencies.

#### **IV. Procedures:**

- A.** The EIS will be maintained by either the Chief of Police or its designee, the Human Resources Section, or other designated Department employee.
- B.** The Department will establish thresholds in each of the indicated categories in Section II of this document. It is recommended that the nature of the assignment of the officer be considered when establishing the threshold and that first-line supervisors and a cross section of the agency be involved in establishing realistic thresholds.
- C.** The review of the data will generate periodic reports identifying officers who have met the established thresholds triggering the EIS. These reports should be prepared on a monthly, quarterly, and annual basis or more frequently if the data is available online.
- D.** It will be the responsibility of the identified officer's chain of command to recommend, in writing, the appropriate action initiated to correct any deficiency that might be identified. The recommended actions could include the following:
  - a.** No further action required. The officer's actions that triggered the EIS have been thoroughly reviewed and do not indicate any concern for corrective action;
  - b.** Supervisory counseling;
  - c.** Periods of observation in the field by the first line supervisor;
  - d.** Peer counseling;
  - e.** Referral to the Employee Assistance Program;
  - f.** Referral to psychological services;
  - g.** Referral for remedial training;
  - h.** Re-assignment;
  - i.** Referral for anger management training;
  - j.** Referral for stress reduction training; or
  - k.** Other action as deemed appropriate.
- E. Process:** Once the recommended action plan is discussed with the officer and approved by the chain of command, the intervention will be engaged and reported back in writing to the entity charged with the responsibility of maintaining the system. A follow-up component will be established in the action plan to ensure the behavior that triggered the intervention is no longer a concern.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 15. Dealing with Persons of Diminished Capacity

- I. **Purpose:** To provide field officers with the essential tactical and processing skills necessary to effectively deal with persons of diminished capacities in a manner to provide the required professional assistance these persons need, to protect the community, to safeguard the officers involved in the encounter and to enhance the agency's risk management.
- II. **Policy:** Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of special needs persons presents field officers with different and often complex issues. These types of persons, whether from intoxication, suicidal potentials, medical complications or mental illness, present field officers with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field officers confronting these special needs persons to resolve the encounter in the safest manner possible. It is the officer's task to bring these types of persons to professional resources when necessary. It is not the mission of the field officer to diagnose the root cause for the person's behavior. Every officer can expect to encounter these types of special needs persons while performing their official duties. Officers are expected to control the incident. Proper tactical and intervention techniques can assist in resolving the immediate field implications of the encounter and hasten the intervention by professional resource persons.
- III. **Definitions:**
  - A. **Persons of Diminished Capacity:** This refers to a segment of the community officers will be expected to deal with. It encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical complications.
  - B. **Mental Illness:** This policy does not require officers to make a diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have, but rather to use reasonable judgment to recognize behavior which is outside the norm in which a person poses a danger to himself/herself or others.
  - C. **Mentally Ill Person:** A person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social

relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.

- D. Professional Resources:** Sources available to the police such as mental health professionals, emergency medical facilities, and detoxification centers.
- E. Voluntary And Involuntary Commitments:** These are the provisions within the state which the agency can use for the civil commitment of persons requiring professional psychological intervention.
- F. Prosecution Guidelines:** It is the policy of this agency to evaluate the necessity for, and method of, prosecution when dealing with a person of diminished capacity. Normally misdemeanor violations by the person committed during the police control of the incident will not subject the person to a physical arrest. The decision to cite or request a filing by the prosecutor will be determined by the field supervisor. A field supervisor will evaluate felony and/or other crimes committed upon non-agency personnel to determine whether a physical arrest is warranted. The ultimate mission of the agency is to encourage professional resource intervention for the person of diminished capacity. Physical arrest should be considered a last resort.
- G. Mentally Ill Dangerous Person:** Someone designated as a mentally ill dangerous person is a person who presents a substantial risk of serious harm to another person or persons within the near future as manifested by evidence of recent acts or threats of violence or by placing others in reasonable fear of such harm.

**IV. Procedures: Field control tactics:** The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject person. This field tactical response can be segmented into four (4) distinct tactical responses: Containment, Coordination, Communication and Time.

- A. Containment:** Before any reasonable control and defusing techniques can be used, the subject must be contained:
  - a.** Two (2) officers shall be dispatched to an incident involving a person of diminished capacity when manpower allows. Should an officer find him/herself in a situation with such a person, the officer shall request a back-up before attempting to intercede if possible.
  - b.** Responding officers should avoid the use of emergency lights and siren when responding to this type of call for service where possible. Experience has demonstrated that this may agitate the response by the subject of the call or encounter.
  - c.** The officers shall devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject in order to reduce any unnecessary agitation. Officers should convince the subject he/she

does not have to move. Officers should continuously evaluate this comfort zone and not compress it, unless absolutely necessary.

- d. It is important for officers to ensure that on-lookers and family members are not in a position to become involved either verbally or physically in the control methods.
- e. Effective containment reduces the elements of agitation, such as large groupings of persons/officers, emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to the subject. Containment is meant to reduce outside influences and sources of agitation.
  
- f. Officers should move slowly.
- g. Officers should utilize all available tactics to de-escalate the situation where possible, however if an officer is faced with a dynamic and violent situation which poses a threat to the officer or other persons present, then officers should utilize their law enforcement control tactics outlined under the “Response to Resistance” policy to gain control.

**B. Coordination:** This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:

- a. One officer at the scene shall be designated or assume the position of being the lead officer. This may not be the most senior person on the scene.
- b. A perimeter shall be determined to ensure that outside persons and/or family members don’t become involved.
- c. Officers shall limit observable indications of force where possible.
- d. The lead officer shall designate an officer to gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family. This information can become important in determining further tactical approaches to the subject and the most appropriate form of referral.
- e. The lead officer is responsible for determining what resources should be requested, including additional police personnel, specialized weapons, professional resources and staged medical personnel.
- f. When warranted, the lead person will designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.

**C. Communication with the person of diminished capacity should be planned and controlled:**

- a. Prior to engaging the subject in communication, the initial responder should await the arrival of a cover officer. When dealing with subjects armed with edged weapons officers should, where possible, maintain a zone of safety which allows for reaction should the subject decide to attack.
- b. One officer shall be designated as the command voice and other officers shall refrain from becoming involved.
- c. Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject's participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the command voice and determine whether that might be beneficial.
- d. Sharp, authoritative commands should be avoided. Officers should use calming communicative attempts.
- e. It has been found that threats to arrest or use force are not productive when dealing with persons with diminished capacities. Reassure the subject that the police are there to help him/her.
- f. Be truthful at all times.
- g. Officers must constantly analyze what affect, if any, their efforts are having on the subject. This is essential to identify areas that appear to agitate the subject that should then be avoided.
- h. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.

**D. Time is the concept of elongating the encounter, rather than hastening it:**

- a. History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution.
- b. Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon his/her predicament.
- c. Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment and medical support personnel.
- d. Time encourages the ability to communicate and create a relationship between the subject and the command voice.

**E. Commitment Procedures:** The primary purpose for police response to an incident involving a person of diminished capacities is to control the situation and ensure that the person receives the most appropriate form of professional resources.

- a. In determining the most appropriate form of professional resource and referral, officers should consider the information provided by professional resource persons and family members.

- b. It is important for the officers on the scene to determine what, if any, on-going threat potential the subject poses to him or herself, family, community and the officers. This threat potential may necessitate an involuntary commitment procedure rather than simply hand off the subject to the family for a voluntary commitment.
  - c. Officers shall use the resources of local crisis intervention personnel, if available, when making this commitment decision.
  - d. Any peace officer who has reasonable grounds to believe that the individual is mentally ill and presents a danger or threat of danger to self, family or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or designated psychiatric facility and execute a written certificate prescribed and provided by the Department of Health and Human Services (§71-919(3)).
  - e. A law enforcement officer who has probable cause to believe that a person is mentally ill and dangerous or a dangerous sex offender, and that the harm described in section 71-908 or subdivision (1) of section 83-174.01 is likely to occur before mental health board proceedings under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act may be initiated to obtain custody, or continue his or her custody if he or she is already in custody.
  - f. Officers shall not use a detention facility as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending.
  - g. No officer shall place criminal charges against a person who is mentally ill and in need of hospitalization for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility.
  - h. Officers are required to prepare or assist in the preparation of all required reports.
- F. Use of restraints when dealing with persons of diminished capacities:** These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases, an ambulance may be required.
- G. Reporting requirements:** Officers shall prepare all required reports whether the subject of the call is arrested, committed or released. This can provide valuable information for future contacts and, when available, allows the agency to provide information to the statewide data system.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 16. Persons with Disabilities

- I. **Purpose:** The purpose of this policy is to outline Department mandates with respect to contacts with persons who have disabilities.
- II. **Policy:** It is the policy of this Department to provide police services in an equal and impartial manner. This policy includes providing police services to those who have disabilities that officers either observe or become aware of based upon the circumstances presented or information obtained. This Department shall take steps to protect persons with disabilities from inequitable treatment based on their disability and to avoid furthering any injury or disability based on the police contact where such accommodation can occur without jeopardizing the safety of all persons involved in the event.
- III. **Definitions:**
  - A. **ADA (Americans with Disabilities Act):** A federal civil rights law protecting individuals with disabilities.
  - B. **Recognized Disability/Protected Person under ADA:** Any person who has a physical or mental impairment that substantially limits one or more major life activities such as walking, seeing, hearing, speaking, breathing, learning and working. A person who associates with a disabled person is also protected under the act.
  - C. **Other disabilities:** Any injury, illness, mental or emotional state that would render a person more vulnerable to police actions, such as use of force, incarceration or restraint

### IV. Procedures:

- A. **Arrest-Minor Crimes:** When dealing with a person who suffers from a recognized disability officers should consider whether the suspected conduct is a manifestation of the person's disability. In cases where the conduct is a manifestation of the disability officers should consider a medical or mental health referral as opposed to arrest.

- B. Use of Force:** In determining the appropriate level of force to be used to control a situation involving a person with a recognized or other disability, officers should consider whether the particular control or restraint tactic is more dangerous or unreasonable in light of the particular person's disability.
- C.** In cases where an officer becomes aware, through information or observations, of a disability, officers should take steps to accommodate that disability where he/she is able to do so without jeopardizing the subject, the officer or any other person present.
- D. Handcuffing or other restraints:** Where handcuffing or other restraints may cause further injury of an existing disability and there is no imminent threat, officers should seek assistance from a supervisor to determine if there is an appropriate method of restraint that will accommodate the disability without jeopardizing safety.
- E. Lock-up:** In cases where a person indicates that he/she has some recognized or other disability, officers shall call for a supervisor so that steps may be taken to verify the disability and determine what steps can be taken to accommodate the disability without jeopardizing the safety of the individual, the officers and the institutional security of the jail.
- a. **Mobility:** Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage his/her wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he/she can use, and how to lift or assist him/her in transferring him/her in or out of the vehicle.
- b. **Visually Impaired:** When dealing with a person who is visually impaired it is important for officers to identify themselves verbally and state clearly and completely any directions or instructions, including any information that is posted visually which cannot be seen by the person who is visually impaired.
- i. Officers should read out loud and fully any document that a visually impaired person is required to sign as the result of a law enforcement action.

- ii. Before taking photos or fingerprints of a visually impaired person, law enforcement personnel shall describe the activity to the visually impaired person so that he/she knows what to expect.
- c. **Hearing Impaired:** Law enforcement is required by the ADA to ensure effective communication with the deaf or hearing impaired.
  - i. Agencies should have one person capable of sign language on call. In accordance with recommendations by the United States Department of Justice, this may be accomplished by contracting with a sign language interpreter for response on an as-needed basis.
  - ii. In jails, hearing impaired prisoners must have access to a TDD phone in the same manner as other persons in custody have access to telephone privileges.
  - iii. Under Nebraska law, whenever a deaf or hard of hearing person is arrested and taken into custody for an alleged violation of state law or local ordinance, the appointing authority shall procure a licensed interpreter for any interrogation, warning, notification of rights, or taking of a statement, unless otherwise waived. No arrested deaf or hard of hearing person otherwise eligible for release shall be held in custody solely to await the arrival of a licensed interpreter. A licensed interpreter shall be provided as soon as possible. No written or oral answer, statement, or admission made by a deaf or hard of hearing person in reply to a question of any law enforcement officer or any other person having a prosecutorial function may be used against the deaf or hard of hearing person in any criminal proceeding unless (1) the statement was made or elicited through a licensed interpreter and was made knowingly, voluntarily, and intelligently or (2) the deaf or hard of hearing person waives his or her right to an interpreter and the waiver and statement were made knowingly, voluntarily, and intelligently. The right of a deaf or hard of hearing person to an interpreter may be waived only in writing. The failure to provide a licensed interpreter pursuant to this section shall not be a defense to prosecution for the violation for which the deaf or hard of hearing person was arrested.
- d. **Other Disability:** In any case where an officer becomes aware of an injury, illness or disability which may render the activity, tactic or restraint to be undertaken more dangerous to the individual, the officer shall notify a supervisor and in conjunction

with supervisory support, take reasonable steps to accommodate the injury or disability.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 17. Sexual Misconduct

- I. **Purpose:** Law enforcement officers are empowered with authority by their government to protect the public from criminal activity. When an officer abuses this authority for sexual purposes, and violates another person, the officer not only commits a crime against the victim, but damages the credibility and trust of the entire law enforcement community with the public. The purpose of this policy is to caution all officers that any violation of the public trust involving sexual misconduct will result in severe consequences including prosecution to the fullest extent possible.
- II. **Policy:** It is the policy of this Department to train all officers concerning the potential for criminal sexual misconduct within law enforcement, how to recognize it, and the requirements for reporting any violation to the appropriate authorities.
- III. **Definitions:**
  - A. **Criminal Sexual Misconduct:** The abuse of authority by a law enforcement officer for sexual purposes that violate the law.
  - B. **Sexual Misconduct:** Any sexual activity while on-duty or stemming from official duty. Sexual misconduct includes but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct. It is noted that proper law enforcement conduct during a vice investigation would not fall under this definition.
  - C. **Intimate Part:** The genital area, inner thigh, groin, buttocks or breasts of a person.
  - D. **Actor:** The person accused of sexual assault
  - E. **Sexual Contact:** Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.
- IV. **Procedure:**
  - A. Sexual activity of any nature while on duty is prohibited.
  - B. Sexual misconduct is prohibited and shall be disciplined up to and including termination.

- C.** Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person while on duty is prohibited.
- D.** A police officer shall not engage in sexual contact with another person who is in custody and/or such officer has supervisory or disciplinary authority over such other person.
- E. Training:** All sworn officers of this Department, including supervisors, will receive specific training about the elements of sexual misconduct involving law enforcement officers. The training will also include all elements of this policy.
- F. Reporting Requirements:** Any employee of this Department who is made aware of any violation of this policy is required to report the violation to his/her supervisor. The supervisor will immediately contact the Chief of Police or its designee, who will immediately initiate an investigation in accordance with his/her established investigative policy and collective bargaining agreement. The investigation will involve other investigative elements of the Department as necessary and any forensic evidence will be protected and processed immediately. The accused officer's supervisor will not attempt to resolve a complaint of this nature with the complainant, and is required to make immediate contact with the Chief of Police or its designee.

**V. Discipline:**

- A.** Any officer found to be in violation of the provisions of this policy shall be disciplined up to and including termination and criminal charges established, if warranted through the investigation.
- B.** Any employee having knowledge of a violation of this policy who fails to report said violation shall also be disciplined up to and including dismissal and criminal charges, if appropriate. If the violation involves supervisory personnel, the reporting officer will notify the appropriate command level officer and will not be strictly held to the chain of command. If the violation involves the Chief of Police, the reporting officer will notify the City Manager and will not be strictly held to the chain of command.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**18. Sexual Harassment-Discrimination**

**V. Purpose:** The purpose of this policy is to prohibit sexual harassment and discrimination within this agency. The policy also provides for the reporting and Department response to sexual harassment or discrimination.

**VI. Policy:** This agency is committed to providing equal opportunity to all applicants for employment and to all employees. Recruitment, hiring, assignment, promotion, compensation, training, discipline, termination, and all other terms, privileges, and conditions of employment shall be administered in a manner that does not discriminate on the basis of race, color, religion, ancestry, sex, gender identity, age, disability, national origin, sexual orientation, familial status, or marital status. This agency will take action to prevent and correct discriminatory behavior in violation of these policies. Members who engage in prohibited conduct are subject to disciplinary action up to and including termination of employment. It is the policy of this agency to prohibit sexual harassment or sexual discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of sexual harassment and discrimination.

**VII. Definitions:**

**A. Discrimination:** Discrimination is defined as making, directly or indirectly, any distinction in applicant selection procedures, or in the terms, conditions or privileges of employment, on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. No employee shall discriminate against any applicant for employment or employee in any term, privilege, or condition of employment on the basis of protected status. Moreover, discrimination or harassment will not be tolerated from any nonemployee including, but not limited to, vendors, contractors, or applicants for employment. Note however, that all persons hired for employment shall demonstrate their eligibility for employment in compliance with the hiring policy of this agency.

**B. Sexual Harassment:** Every employee has the right to work in an environment free from hostile, offensive or intimidating sexual behavior. Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of a member's employment; or, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such member; or, such conduct has the purpose or effect of interfering with a member's work performance, or creating a hostile, intimidating, or offensive working environment.

**C. Quid Pro Quo Harassment:** A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor, or an unfavorable employment action for refusal of the sexual favor.

**D. Hostile Work Environment:** A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct that has

the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

### **VIII.Procedures:**

- A. Employees with Disabilities:** This agency is committed to making reasonable accommodations for qualified applicants and employees with disabilities in accordance with state and federal law and agency policies. Each situation will be handled on a case- by-case basis. Employees shall contact the Human Resources Section to request information on reasonable accommodation.
- B. Confidentiality:** To the extent permitted by law or policy, the identity, as well as all oral or written contacts between the Human Resources Section, the Office of Internal Affairs and any employee or applicant for employment concerning this policy and/or its application, will be treated as confidential.
- C. Chief of Police:** Ultimate responsibility for implementation of these policies is vested in the Chief of Police. The Chief of Police shall ensure that all Equal Employment Opportunity (EEO) policies, and all prohibitions against discrimination, are aggressively implemented throughout the agency by all levels of management.
- D. City Human Resources Department:** The City Human Resources Department is responsible for monitoring EEO programs and ensuring agency compliance with all relevant federal and state laws, city ordinances, and agency policies and rules in hiring and other personnel practices. Human Resources will report to the Chief of Police on EEO matters and participation in the development and implementation of training and educational programs for supervisors.
- E. Management Employees:**
  - a.** Management employees are required to ensure that personnel practices within their organizational entities are in full compliance with all federal and state laws, city ordinances, and agency policies governing non-discrimination.
  - b.** Specifically, management employees are to ensure that all their employees who supervise, promote, assign, recruit, interview, train, evaluate, or discipline other employees, utilize only job-related standards in their personnel actions and contribute to the attainment of agency EEO principles.
  - c.** When made aware of a potential or current EEO problem or complaint, management employees shall:
    - i.** Take immediate corrective action when necessary;
    - ii.** Notify the chain of command to determine whether an investigation is necessary;
    - iii.** Cooperate with HR / Internal Affairs and any other agency in any investigation and/or resolution of the problem or complaint;

- iv. Have all the responsibilities covered in the supervisor's responsibilities below; and
- v. Personally monitor and evaluate the personnel actions of subordinate supervisors to ensure compliance with EEO laws. Management employees are required to take immediate corrective action to prevent discriminatory behavior from continuing or recurring. Failure to take prompt appropriate action may subject the management employee to disciplinary action.

**F. Supervisors:**

- a. Regardless of whether the employee involved is in the supervisor's chain of command, and regardless of how he/she became aware of the alleged prohibited conduct/behavior(s), all supervisors must immediately report all allegations or complaints or observations of such conduct to the Chief of Police. Supervisors shall be responsible for encouraging employee support for equal employment opportunity by demonstrating commitment to EEO in the following ways:
  - i. Becoming thoroughly familiar with the agency prohibitions against harassment and discrimination, and acquainting subordinate personnel with these guidelines;
  - ii. Promoting a positive attitude when discussing these policies with other staff;
  - iii. Requiring all subordinate personnel to demonstrate respect for the diversity of their coworkers and members of the community;
  - iv. Taking immediate corrective action when any violations of EEO law are observed or reported;
  - v. Supervisors shall notify their chain of command in writing of all potential or current EEO violations, so that immediate action can be taken to remedy the situation. The information reported must include:
    - The person(s) involved, including all witnesses;
    - A written record of specific conversations held with the accused and any witnesses; and
    - All pertinent facts, including date(s), time(s), and location(s);
  - vi. Ensuring compliance of subordinate personnel with all EEO laws and regulations; and
  - vii. Supervisors are required to take immediate corrective action to prevent harassment and discriminatory behavior from continuing or recurring. Failure to take prompt, appropriate action may subject the supervisor to disciplinary action.

**G. All Employees:**

- a. Every employee of the agency, including unpaid volunteers, are responsible for creating and maintaining a professional working environment free from harassment and discrimination. Employees shall:
  - i. Demonstrate sensitivity to and respect for differences of all employees;
  - ii. Comply with all equal employment laws, city policy and specific policies of this agency;
  - iii. Confront disrespectful or discriminatory behavior when they see it; and
  - iv. Immediately notify their chains of command of any EEO violations that they experience or observe.
- b. Employees who believe they personally are being, or have been subjected to, prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors, should immediately:
  - i. Identify the offensive behavior to the alleged harasser and request that the behavior cease. Note: An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that the employee contact one of the individuals listed below if he/she believes he/she is being targeted or has witnessed what the employee believes to be prohibited conduct/behavior(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), volunteer(s), contractor(s), etc.
- c. **Reporting:** If the employee feels uncomfortable in speaking directly to the alleged harasser, or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to:
  - i. Any supervisor;
  - ii. Any management employee; or
  - iii. The HR Director.
- d. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the Chief of Police.
- e. All employees are required to fully cooperate in any investigation of an EEO violation.

- H. Prohibited Conduct:** The following is conduct that is specifically prohibited under the agency EEO policies. This list is in addition to other prohibitions already covered in agency policies and includes, but is not limited to, conduct for which disciplinary action may be taken.
- a. Workplace Bias:** Expressing bias in the workplace, including any behavior that is potentially offensive to any employee on the basis of his or her protected status is prohibited. Examples include, but are not limited to:
    - i. Using degrading words, offensive slang labels or names, or profanity describing a person's protected status;
    - ii. Sexually suggestive, obscene or lewd jokes, or any jokes or comments about a person's protected status; or
    - iii. Posting or displaying inappropriate posters or jokes in the workplace.
  - b. Sexual Harassment in the Workplace:** Examples of conduct that may be deemed sexual harassment and is prohibited in the workplace include, but are not limited to:
    - i. Sexually suggestive, obscene, or lewd comments or invitation;
    - ii. Gender related labels such as "honey," "sweetie," "cutie," "boy," and "girl";
    - iii. Asking for sexual favors and implying there will be economic or employment benefits;
    - iv. Leering, ogling, or drawing attention to a person's body;
    - v. Unwanted sexual advances;
    - vi. Sexual assault or attempted sexual assault ;
    - vii. Introduction into the workplace of pornographic pictures or written material, except in the course of official police investigations;
    - viii. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments;
    - ix. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means;
    - x. Offensive gestures, expressions and graphics including leering, obscene hand or finger gestures, sexually explicit drawings, derogatory poster, photographs, cartoons, drawings or displaying sexually suggestive objects or pictures;
    - xi. Physical contact when the action is unwelcomed by the recipient, including brushing up against someone in an offensive manner, unwanted touching,

impeding or blocking normal movement, or interfering with work or movement; or

- xii. Expectations, requests, demands or pressure for sexual favors.
- c. **Retaliation Prohibited:** Retaliation is an adverse employment action taken against an employee as a result of opposing an unlawful discriminatory practice, or filing a charge of discrimination, testifying, assisting, or participating in any manner in an equal opportunity investigation, proceeding, or hearing.
  - i. Retaliation is prohibited conduct, and, if engaged in, may result in disciplinary action, up to and including termination of employment.
- I. **Discrimination - Harassment Complaint Procedure:**
  - a. Employees who believe they have been treated unfairly in any employment practice because of their race, color, religion, ancestry, sex, gender identity, age, disability, national origin, sexual orientation, familial or marital status may file a complaint with a supervisor.
  - b. Employees who believe they have been retaliated against because they filed an EEO complaint, challenged a discriminatory behavior, participated in any way with these procedures, or served as a witness may file a complaint.
- J. **Receiving a Complaint Procedures:** The agency shall promptly receive and investigate all complaints regarding harassment or discrimination regardless of their origin.
  - a. A supervisor upon being notified of a complaint shall schedule to meet with the complainant the same day. If that is not possible the supervisor will make himself/herself available to the complainant within the next 24 hours.
  - b. The supervisor shall tell the employee that a sexual harassment-discrimination policy exists and give him or her a copy of the policy and answer questions about the policy and process.
  - c. The supervisor shall determine if there is a threat to the employees' safety.
  - d. The supervisor shall forward the written complaint up the chain of command.
- K. **Separation:** Once an allegation is made, steps should be taken to separate the involved employees while an investigation into the allegations is conducted. The separation should be undertaken in an equitable manner which is non-punitive in nature. In no case will the complaining employee be forced to change assignments against his/her choice. The supervisor is required to immediately stop any conduct which might continue or aggravate the allegation(s).

- L. The alleged victim of the sexual harassment shall be kept informed of the progress of the investigation.
- M. At the conclusion of the investigation, the alleged victim and the accused employee should be informed of the conclusions reached by the investigation.
- N. Where evidence is established to sustain a violation of this policy, immediate disciplinary action shall be taken against the offending employee, up to and including termination from employment with this agency.
- O. No employee shall be retaliated against for reporting allegations of sexual harassment or discrimination.
- P. **Confidentiality Required:** All matters pertaining to EEO issues are highly confidential. All participants in a report or investigation are strictly prohibited from discussing the matter outside of formal channels. Information concerning such issues will be disseminated on a need-to-know basis only. Such confidentiality, however, in no way diminishes the necessity of keeping the Chief of Police informed.
- Q. **Withdrawal of Complaints:** Members filing EEO complaints may withdraw the complaint, or any part thereof, at any time. Despite the withdrawal request, however, the agency still has an obligation to investigate the allegation. The agency shall become the complainant.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **19. Missing Persons**

- I. **Purpose:** The purpose of this policy is to establish guidelines and responsibilities regarding this agency's response to reports of missing persons.
- II. **Policy:**
  - A. It shall be the policy of this agency to thoroughly investigate all reports of missing persons. Additionally, this agency holds that every person reported as missing

will be considered **at-risk** until significant information to the contrary is confirmed.

- B.** Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in, this jurisdiction, this agency will immediately initiate the required reporting process. If a missing person legally resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-person report, this agency will assume reporting and investigative responsibility.
- C.** Questions concerning parental custody occasionally arise in relation to missing-child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this agency will open a case when it can be shown that the child is missing, without explanation, from his or her usual place of residence.

### **III. Definitions:**

#### **A. Missing Adult:**

- a. 18 years of age or older; and
- b. Whose absence is contrary to his or her normal patterns of behavior and may be due to one or more of the *unusual circumstances* as defined below

#### **B. Missing Child:**

- a. Younger than 18 years of age; and
- b. Whose whereabouts are unknown to his or her parent, guardian, or responsible party

#### **C. Unusual Circumstances:**

- a. A missing child twelve (12) years of age or younger;
- b. A child or an adult who is missing and believed to be one or more of the items noted below:
  - a) **Out of the zone of safety for his or her age and physical and mental condition.** The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child, the zone of safety might

be the immediate neighborhood or route taken between home and school. In the case of an elderly person of diminished physical and/or mental health, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.

- b) **Mentally diminished.** If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
- c) **Drug dependent.** In the case of a child, the term "drug dependent" shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term "drug dependent" shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being.
- d) A potential victim of foul play or sexual exploitation.
- e) A person(s) in a life-threatening situation.
- f) A person(s) absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.
- g) If a report of a missing person involves an un-emancipated minor, a law enforcement agency shall not prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation (§ 29-214).
- h) A person(s) believed to be with person(s) who could endanger his or her welfare.
- i) A person(s) who is absent under circumstances inconsistent with established patterns of behavior.

**D. "At-Risk" Missing Person (Adult or Child):** A missing adult or child will be considered "at-risk" when one or more of the **unusual circumstances** as defined above are present. This shall not include juvenile runaways unless one of the risk factors above applies.

#### **IV. Procedures:**

**A. General Action on Determination of “Unusual Circumstances”:**

- a. If it is determined that “unusual circumstances” are involved in the report of a missing adult or child, the person will be considered “at-risk,” and an expanded investigation, including the use of all appropriate resources, will immediately commence.
- b. If appropriate, existing interagency response protocols - including the AMBER Alert system and/or other available immediate community notification methods - should be activated.

**1. AMBER Alert Criteria:**

- The Child is the age of 17 or younger;
- Law Enforcement ***has reason to believe*** the child is in danger of serious bodily harm or death;
- There is sufficient information available concerning the suspected abductor that the public can respond;
- AMBER Alerts are not intended for use in runaway or child custody situations.

**2. AMBER Alert Verification:**

- Designated local law enforcement officers determines an abduction has occurred using the above AMBER Alert Criteria;
- Designated local law enforcement officers fill out the State of Nebraska AMBER Alert Notification and faxes it to the Nebraska State Patrol Headquarters Communication Center;
- A Nebraska State Patrol verification officer will confirm the accuracy of the information and issue an AMBER Alert via the state Emergency Alert System (EAS).

**3. Agency Continuing Responsibilities:**

- Notify the Nebraska State Patrol as additional information becomes available;
- Take phone calls for at least 24 hours when the AMBER Alert is activated or until the alert is cancelled;
- Handle all media items;
- File a report within 30 days of the activation with the Nebraska AMBER Alert Plan Committee.

**4. Recovery of Child: (upon recover the agency shall):**

- If the child abduction case is closed within 24 hours, fax the State of Nebraska AMBER Alert cancellation to the Nebraska State Patrol Headquarters Communications Center;
  - Nebraska State Patrol verification officer will issue an AMBER Alert cancellation via the state Emergency Alert System (EAS);
  - If the child abduction case is closed after 24 hours, notify the Nebraska State Patrol Headquarters Communication Center and local media. No formal State of Nebraska AMBER Alert cancellation is issued.
- c.** There is no required waiting period for reporting a missing person. A person may be declared “missing” when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.

**B. Communications personnel receiving the report of a missing person shall:**

- a.** Determine if circumstances of the report meet the definition of a missing child or adult as set forth in Section III;
- b.** Dispatch, in a prompt manner, an officer to the scene of the report;

- c. Notify a supervisor and an investigator when appropriate. A supervisor and an investigator should be notified of every reported incident in which “unusual circumstances” are determined to exist;
  - d. Transmit the appropriate radio alerts and other notifications;
  - e. Search agency records for related information. Complaints such as attempted abductions, prowlers, public lewdness, and suspicious persons will be of particular interest. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area;
  - f. Safeguard all pertinent records;
  - g. Initiate media contact, including activation of the **AMBER Alert** system and/or other immediate community-notification methods when appropriate.
- C. The initial officer or first responder assigned to the report of a missing person shall:**
- a. Respond promptly to the scene of the report;
  - b. Interview the person(s) who made the initial report;
  - c. Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officers who may be assisting in the investigation. Recent photographs and/or videotape should be secured if available;
  - d. Verify that the person is in fact missing. NOTE: In the case of children, first responders should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds shall be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior, including trunks of parked vehicles where limited breathing air may place the child at even greater risk. A search of the home should be conducted even if the missing person was last seen elsewhere;
  - e. Confirm custody status;
  - f. Identify the circumstances of the disappearance. First responders need to ascertain whether the circumstances surrounding a person’s disappearance are such that a heightened level of response is warranted. If “unusual

circumstances” exist, as defined in Paragraph D of Section III, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, officers should keep the missing person’s safety in mind and act accordingly;

- g.** Determine when, where, and by whom the missing person was last seen;
- h.** Interview the individual(s) who last had contact with the missing person. Be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated;
- i.** Identify the missing person’s zone of safety for his or her age and physical and mental state;
- j.** Make an initial determination of the type of incident. Note: Officers must be cautious in “labeling” or classifying a missing-person case, since the classification process shall affect the way in which initial information or evidence is gathered. Even if first indications suggest a “less urgent” incident, officers should consider all possibilities until the case category is clearly determined;
- k.** Obtain a description of the suspected abductor(s) and other pertinent information;
- l.** Evaluate whether circumstances of the child’s disappearance meet existing AMBER Alert and/or other immediate community notification protocols. Discuss plan activation with the appropriate supervisory personnel on the decision to implement an AMBER Alert;
- m.** Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted;
- n.** Provide detailed descriptive information to the communications unit for broadcast updates;
- o.** Identify and interview everyone at the scene;
- p.** Conduct a thorough search of the scene. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, officers should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the person’s disappearance. Officers are again reminded to conduct a thorough, immediate search of the person’s home and property, even if the disappearance supposedly took place elsewhere;

- q. Secure and safeguard the area as a potential crime scene. If unusual circumstances exist, first responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence;
- r. Prepare necessary reports and completing appropriate forms;
- s. If a report of a missing person involves an un-emancipated minor, a law enforcement agency shall immediately transmit the proper information for inclusion in NCIC and the Missing Persons Information Clearing house. Neb. Rev. Stat. (§29-214).

**D. The supervisor assigned to the report of a missing person shall:**

- a. Obtain a briefing from the first responder(s) and other agency personnel at the scene;
- b. Determine if additional personnel and resources are needed to assist in the investigation;
- c. Consider activation of the AMBER Alert system and/or other immediate community notification methods. If circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly implement such efforts;
- d. Establish a command post if needed;
- e. Organize and coordinate search efforts;
- f. Ensure that all required notifications have been made;
- g. Establish a liaison with the victim family;
- h. Confirm that all agency policies and procedures are observed;
- i. Manage media relations. Many missing-person investigations, especially those involving large-scale search efforts, are likely to draw media attention; Supervisors should manage media presence in a way that complements, rather than conflicts with, the investigation.

**E. The investigator assigned to the report of a missing person shall:**

- a. Obtain a briefing from agency personnel at the scene;
- b. Verify the accuracy of all descriptive information;
- c. Initiate a neighborhood investigation if appropriate. A thorough canvass of the neighborhood should be conducted without delay. The objective is to

identify and interview all persons within the abduction zone who may be able to provide information related to the incident. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area;

- d. Obtain a brief history of recent family dynamics;
- e. Explore the basis for conflicting information;
- f. Implement effective case management;
- g. Evaluate the need for additional resources and specialized services;
- h. Update descriptive information. NOTE: The National Child Search Assistance Act – enacted in 1990 and amended by the PROTECT Act in 2003 – mandates the entry of descriptive information for all persons, birth through 20 years of age. These entries are required to be made no more than 60 days after the report is taken;
- i. Monitor media relations.

**F. An officer assigned to the report of an unidentified person, whether living or deceased, shall:**

- a. Obtain a complete description;
- b. Enter the unidentified person's description into the NCIC Unidentified Person File;
- c. Utilize all available resources to aid in identification of the person;
- d. Cancel all notifications after identification is confirmed.

**G. An officer assigned to the recovery or return of a missing person shall:**

- a. Verify that the located person is, in fact, the reported missing person;
- b. Inform, in the case of a missing adult who has been located, the located person that he or she is the subject of a missing-person investigation. If the located person is a competent adult, the officer shall determine the person's willingness for law enforcement to reveal his or her whereabouts. To the extent possible, a person's desire to remain hidden shall be honored;
- c. Notify the initial reporting person(s) of the well-being and, if permissible, the whereabouts and contact information of the person who has been located;

- d. Secure, in the case of a missing or abducted person who has been located, intervention services, if indicated;
- e. Arrange, in the case of a runaway or missing child from within Department's jurisdiction who has been located and who is not wanted on a warrant or other law violation, the return of the child to his or her legal guardian or to an appropriate children's shelter;
- f. Place, 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, the child in custody and transport him or her to the appropriate facility for admission;
- g. Complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC Missing Person File entry and other notifications regarding the case, a supplemental report should be completed that describes the person's activities while missing and circumstances of the recovery/return.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **20. Vehicle Pursuit & Emergency Vehicle Operation**

- I. **Policy:** The Department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer/public and there are clear, articulable facts indicating a need for immediate apprehension. In initiating any pursuit, the officer shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, all the possible consequences, and the safety of all persons, operating with due regard to the motoring public at all times. Officers *may* initiate a pursuit in the following situations:
  - Potentially life-threatening motor vehicle violations, such as reckless driving, failure to heed traffic control devices, failure to stop when signaled to do so by an officer, etc.;
  - Homicide, or aggravated assault, to include acts with a motor vehicle
  - Kidnapping.

- Sexual assault;
- Terroristic or active shooter incident;
- Armed or aggravated robbery or other imminent life-threatening activity;
- Felony theft, and/or any theft of a motor vehicle
- A reported or suspected violent felon or domestic violence suspect; or
- The person(s) being pursued is a serious threat to the public due to the commission of a violent felony or misdemeanor.

**II. Purpose:** The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.

In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated, pursuits shall be monitored and assessed according to state statutes and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

### **III. Definitions:**

- A. Emergency Vehicle:** Authorized **emergency vehicle** shall mean such fire department vehicles, police vehicles, rescue vehicles, and ambulances as are publicly owned, such other publicly or privately-owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Nebraska Revised Statute §55-133.
- B. Discontinue the Pursuit:** The officer(s) abandon all active attempts to stop and/or follow the suspected vehicles and the officer(s) shall turn off all emergency equipment, stop, and exit their patrol vehicle if safe to do so, and stand in front of their patrol vehicle with in-car camera system recording, showing they have stopped the pursuit or officer(s) should safely turn around and drive the opposite direction of the pursuit, obeying all traffic laws.
- C. Due Regard:** In making decisions, an officer has the duty to consciously consider the need to do things that affect all parties involved and not involved in the pursuit.
- D. Aerial Support:** The use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.
- E. Authorization to Continue Pursuit:** Verbal approval transmitted over the assigned radio channel or other communication device by the supervisor, and acknowledgment by the dispatcher and the officer driving the primary unit.

- F. Authorized Law Enforcement Vehicle:** A motor vehicle belonging to a federal, state or local law enforcement agency with a functioning audible signal and a functioning flashing or revolving light.
- G. Code-Three Emergency Call:** A request for police service that presents an actual and immediate danger of death or serious bodily injury.
- H. Deadly Force:** Force which creates a substantial likelihood of death or serious bodily harm as defined by Nebraska Revised Statute §28-1406.
- I. Emergency Operation:** Driving an emergency vehicle according to state law and this procedure in response to an emergency call or in pursuit of a fleeing vehicle.
- J. Inter-Jurisdictional Pursuit:** Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state lines as outlined in Nebraska Revised Statute §29-215.
- K. Paralleling:** Operating an emergency vehicle on streets or a route parallel to the pursuit route.
- L. Primary Unit:** The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- M. Secondary Unit(s):** Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- N. Ramming:** Deliberate contact with a violator's vehicle by an authorized law enforcement marked police vehicle to force the violator's vehicle off the roadway.
- O. Roadblock:** A barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- P. Stop-Stick/Spike Strip:** A rigid column or a strip of belting containing specially designed hollow spikes which, when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- Q. Supervisor:** The highest-ranking supervisor assigned or assuming control of a pursuit situation to include Patrol Sergeant, Lieutenant, Captain and the Chief of Police.
- R. Terminate the Pursuit:** The decision to discontinue the pursuit.
- S. Unmarked Police Vehicle:** A police vehicle not displaying the emblem or marking of its police department and may or may not have emergency warning devices to include emergency lighting and siren.
- T. Vehicle Pursuit:** An active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
- U. Violent Felony:** A serious felony that involves an actual or threatened attack that the officer has reasonable grounds to believe could result or has resulted in death or serious bodily injury as defined by Nebraska Revised Statute §28-109 (e.g. aggravated assault, armed robbery, murder, sexual assault and child sexual assault etc.)

**V. In-Car Cameras:** A recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.

**IV. Emergency Vehicle Operation:** Under Nebraska Revised Statute §60-6,114, Subject to the conditions stated in the Nebraska Rules of the Road, the driver of a police vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law may:

- A.** Stop, park, or stand, irrespective of the provisions of the rules, and disregard regulations governing direction of movement or turning in specified directions;
- B.** Proceed past a steady red indication, or a stop sign but only after slowing down as may be necessary for safe operation; and/or
- C.** Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.
- D.** The exemptions granted in this section do not relieve an officer from the duty to drive with due regard for the safety of all persons, nor shall the emergency vehicle law protect the officer from the consequences of his or her reckless disregard for the safety of others.

**V. Procedures:**

**A. Pursuit Restrictions:**

- 1. Only Two Emergency Vehicles:** A primary vehicle and a secondary vehicle, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the supervisor.
- 2. In-Car Cameras:** In emergency vehicles equipped with in-car cameras, officers shall ensure that the equipment is activated during the pursuit and remains running until the pursuit is terminated or the pursuit has ended and the suspect(s) have been fully apprehended and transported to a correctional facility.
- 3.** Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from a supervisor, or, if unable to contact a supervisor, the pursuit is justified as outlined on page 1 section II of this policy.
- 4.** The Chief of Police and the Captain shall be immediately notified (through the dispatch center) of any pursuit initiated by an officer of the Alliance Police Department and of any request from other jurisdictions requesting assistance from the Alliance Police Department to become involved in a pursuit. If the Chief of Police and the Captain are not available a Lieutenant or Sergeant shall be immediately notified.
- 5.** Officers should not engage in setting up roadblocks, ramming or driving immediately alongside a fleeing vehicle unless authorized by a supervisor.

6. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor orders the pursuit to be discontinued, then all officers shall discontinue the pursuit.
  7. Only marked police vehicles with emergency warning devices to include lights and siren shall initiate a pursuit, unless authorized by a supervisor.
  8. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, ride-a-longs, or complainants, unless authorized by a supervisor.
- B. Environmental Considerations:** Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:
1. **Time of Day and Day of the Week:** Pursuits occurring during a time when there is a high level of business, school or other activities are deemed more hazardous than those occurring during periods of low activity.
  2. **Vehicular and Pedestrian Traffic:** Pursuits occurring during periods of heavy traffic flow or any pedestrian traffic are deemed more hazardous than those occurring at other times.
  3. **Type of Roadway:** Pursuits on dirt/gravel roads pose more of a danger than pursuits on a well-maintained two-lane highway.
  4. **Condition of the Roadway** (e.g. dry, wet, ice covered, in a condition of needing repair).
  5. **Weather Conditions** (e.g. clear, overcast, rain, fog, snow).
  6. **Condition of the Emergency Vehicle and the Condition and Type of the Fleeing Vehicle:** Is the emergency vehicle maintained in a condition to safely pursue the suspect vehicle? Is there anything noticeably wrong with the suspect vehicle that increases the risk to the suspect, the officers involved or the public?
  7. **The Type of Vehicle the Suspect is Fleeing in:** Officer(s) of the Alliance Police Department should not pursue vehicles that are inherently dangerous due to their manufactured nature such as motorcycles, buses, tractors, ATV's/UTV's, snowmobiles or semi-truck tractors unless authorized by a supervisor.
  8. **Driving Ability of the Officer:** Years of experience, training and knowledge of the geographic area of the pursuit.
  9. **Speeds of the Emergency Vehicle and the Fleeing Vehicle:** The greater the speed the more the risk is increased to everyone involved and to the public.
- C. Initiating the Pursuit:** Officers *may* initiate a pursuit in the following circumstances:

- Potentially life-threatening motor vehicle violations, such as reckless driving, failure to heed traffic control devices, failure to stop when signaled to do so by an officer, etc.;
- Homicide, or aggravated assault, to include acts with a motor vehicle
- Kidnapping.
- Sexual assault;
- Terroristic or active shooter incident;
- Armed or aggravated robbery or other imminent life-threatening activity;
- Felony theft, and/or any theft of a motor vehicle
- A reported or suspected violent felon or domestic violence suspect; or
- The person(s) being pursued is a serious threat to the public due to the commission of a violent felony or misdemeanor.

**D. Responsibilities of the Initiating Officer:**

1. When a motor vehicle pursuit is initiated, the sworn officer driving the pursuit vehicle will immediately report the pursuit to the communications center dispatcher. Initial information should include:
  - a) Description of the fleeing vehicle and license information;
  - b) Reason for the pursuit;
  - c) Location and direction of the pursuit;
  - d) Speed involved;
  - e) Traffic conditions, including pedestrian traffic, and road conditions;
  - f) Occupant information; and
  - g) Other important information about the suspect vehicle or environment (e.g. suspect vehicle traveling without lights, suspect(s) throwing object(s) from the vehicle).
2. Based on the known information, the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.
3. **The initiating officer shall:**
  - a) Provide updated information regarding direction of travel, speed, and other pertinent details until a secondary vehicle arrives;
  - b) Allow the secondary vehicle driver to assume all communications if possible;
  - c) Abandon the pursuit if any mechanical problems develop in the primary vehicle;
  - d) Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

**E. Responsibilities of the Secondary Vehicle Driver:**

1. The first officer arriving to assist the primary vehicle driver shall notify the communications center dispatcher and becomes the secondary vehicle driver.
2. This officer shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
3. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance.
4. This officer shall assume the radio communications for the primary vehicle driver.

**F. Responsibilities of the Supervisor:**

1. Upon notification, the supervisor shall assert control over the pursuit. The supervisor, in exercise of discretion, may order specific units into or out of the pursuit, and ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicles are required based on the following circumstances:
  - The severity of the offense;
  - The number of occupants in the suspect vehicle; and/or
  - The likelihood of the suspects being armed

**2. The supervisor shall:**

- a) Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit and use of approved use of force tactics;
- b) Continuously evaluate the pursuit;
- c) Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
- d) Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety, or the need for apprehension outweighs the risk to the officer/public;
- e) Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene.

**G. Responsibilities of the Communications Center:**

**1. Communications center shall:**

- a) Assure that the supervisor of the pursuit is clearly identified and that the approval to initiate or continue the pursuit is broadcast;
- b) Assure that pursuing officers (primary and secondary vehicle drivers) request supervisory approval and that all critical information is

received from the officers involved and relayed to other units on the normal operational channels and EROC, if applicable;

- c) Notify the Chief of Police and the Captain of the pursuit;
- d) Keep the supervisor apprised of all relevant traffic problems and other actions that might impact the conduct of the pursuit;
- e) Record all information received from the pursuing officer(s);
- f) Clear the radio channel of non-emergency traffic and relay necessary information to other officers and jurisdictions including information of the use of Stop-Sticks or other use of force tactics by involved law enforcement officers;
- g) Conduct an inquiry of the license plate through NCIC and criminal history of person(s) involved if they are known.

#### **H. Uses of force/Termination of Pursuit:**

1. Remember that roadblocks and Stop-Sticks or spike strips as well as the use of firearms, constitute seizures; i.e. a stopping of movement by a means intentionally applied. Roadblocks and Stop-Stick or spike strips as well as the use of firearms constitute a use of force, and in using these tactics, officers should consider:

- a) How serious is the offense that the officer suspects at the time they use the tactic?
- b) Is there a physical threat to the officer or any other person and how significant is that threat?
- c) Is the suspect actively resisting or attempting to evade arrest by flight?

#### **2. Use of firearms:**

- a) The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force as defined by Nebraska Revised Statute §29-1406.
- b) Officers shall not shoot at or from a moving vehicle unless:
  - a) The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious bodily injury to the officer or another person; or
  - b) The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
- c) NOTE: Officers shall not place themselves in a position of risk to create that reasonable belief.

- 3. Roadblocks:** Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by a supervisor. The supervisor making the decision to establish a roadblock, shall consider the following:

  - a) The safety of the officers;
  - b) The risk of physical injury to the occupants of the pursued vehicle;
  - c) The protection of citizens and their property; and
  - d) That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely, and environmental conditions should be taken into consideration as outlined on page 4 section B of this policy. The officer in charge of the roadblock shall notify communications center of the exact location.
- 4. Ramming:** Sworn officers may not halt or attempt to halt a suspect's vehicle in a pursuit by striking or attempting to strike a suspect's vehicle, except in extremely dangerous situations and only under the direction and approval of a supervisor.
- 5. Stop-Sticks/spike strips:**

  - a) Only officers trained in the use of Stop-Sticks/spike strips shall deploy them. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible. Use of Spike Strips or Stop-Sticks shall be consistent with training provided by the manufacturer.
  - b) The on-duty supervisor shall evaluate the request when a pursuit from another jurisdiction enters the jurisdiction of the Alliance Police Department requesting the use of Stop-Sticks or spike strips and may authorize the officers to deploy Stop-Sticks/spike strips.
  - c) Officers deploying Stop-Sticks or spike strips should be mindful of their own safety and environmental conditions as outlined on Page 4 section B of this policy during deployment and not take unnecessary risks in their attempt to lay out the spike strip such as exposing their location to the oncoming suspect or placing themselves in a position of tactical disadvantage by not being able to see the suspect vehicle.
  - d) Officers are responsible for making sure that the use of Stop-Sticks/spike strips is contained in the pursuit report.
- I.** In all cases, officers shall employ felony/high-risk traffic stop techniques at the end of pursuits.

**J. Reasons for Discontinuation of Pursuit:** Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications Center of his or her point of discontinuation under any of the following conditions:

1. When ordered by a supervisor or any other higher-ranking member of the Department.
2. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
3. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension.
4. When the location of the pursued vehicle is no longer known.
5. When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance shall be given. If there is only the marked primary police vehicle, then this vehicle should stop to provide assistance.
6. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment, stop, exit their patrol vehicle, if safe to do so, and stand in front of their patrol vehicle with recording equipment recording, showing they have stopped the pursuit, or officers should safely turn around and drive the opposite direction of the pursuit, obeying all traffic laws.

**K. Inter-jurisdictional Pursuits:**

**1. Pursuits from this jurisdiction into another jurisdiction should:**

- a) Notify, through the communications center, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested utilizing EROC radio channels.
- b) The communications center will coordinate the communications of the pursuit between multiple jurisdictions through the use of the EROC channels or other available radio channels.
- c) When entering another jurisdiction, the agency with primary jurisdiction may request the pursuit cease. This Department shall comply with the request.

**2. Pursuits from another jurisdiction into this jurisdiction:**

- a) The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
- b) A supervisor along with the Chief of Police and Captain will immediately be advised of the pursuit, its location, and any request for

assistance from the primary pursuing law enforcement agency actively involved in the pursuit.

- c) Supervisors will only approve assistance to other jurisdictions involved in a pursuit if the offense is in keeping with our justification for a pursuit. If the pursuit does not conform to this policy, officers shall not engage in the pursuit.
- d) A supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible if within our primary jurisdiction.
- e) The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.
- f) Generally, officers will not continue with a pursuit that has passed through this jurisdiction once the pursuit has left this jurisdiction unless authorized by a supervisor.

**L. Report and Review Process:** The on-duty supervisor will conduct an immediate investigation of the circumstances of the pursuit and shall submit a written report up the chain of command regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. In addition to providing the required information, the supervisor will indicate in the narrative section the following:

1. The articulable fact(s), reason(s) or probable cause for engaging in the pursuit;
2. An account of all violations committed during the course of the pursuit;
3. A summary of tactic(s) employed to apprehend the subject;
4. The exact point of the discontinuation, apprehension, or termination of any pursuit;
5. If the subject(s) are apprehended, there should be an account of the officer's involvement in that arrest; and
6. The supervisor's report additionally will include the following:
  - a) Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
  - b) A summary of any accidents or other incidents arising from or related to the pursuit;
  - c) A complete evaluation on the adherence of the pursuit's conduct to the Department's pursuit policy;
  - d) If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated;
  - e) Collect copies of reports and police vehicle video from all officers involved in the pursuit;

- f) Collect copies of the communications/dispatch tapes and reports;
  - g) Review each report to ensure that all required information is present;
  - h) Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report;
  - i) Attach copies of the officers' reports, including his report and forward the packet to lieutenant; in the lieutenant's absence, a shift supervisor may be assigned in his/her place.
7. The Lieutenant will review the pursuit and make a recommendation to the Chief of Police as to whether an Internal Affairs Complaint should be drawn. If an Internal Affairs Complaint is deemed necessary, the policy and procedure of the Department, City of Alliance Policy and Fraternal Order of Police Contractual obligations will be adhered to.

**M. Training:**

- 1. Officers shall not participate in a pursuit unless they have received specialized pursuit driving training at the Nebraska Law Enforcement Training Center or at an equivalent program approved by the Nebraska Police Standards Advisory Council.
- 2. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
- 3. Officers and dispatchers shall receive annual training on this policy.

**VI. Disclaimer:**

- 1. Sworn officers should neither be criticized nor disciplined when their decision is to terminate rather than continue a pursuit.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**21. Tire Deflation Device**

**I. Policy:**

A Stop-Stick device, when properly used, has the potential to save lives, reduce property damage, and reduce the potential for civil liability suits by reducing the hazards of police pursuits. Officers must be aware, however, that any time the device is deployed, a vehicle – particularly a vehicle traveling at higher speeds –

will lose some capability to effectively turn, stop, or accelerate. In making the decision to deploy a Stop-Stick, an officer/supervisor must weigh the risk against that of allowing a pursuit to commence or continue.

The use of the Stop-Stick must be in compliance with the Department's established Use of Force and Vehicle Pursuit Policy.

**I. Purpose:**

This directive is intended to establish a procedure for the deployment of a tire deflation device.

**II. Definitions:**

**A. Stopped Vehicle:** Any vehicle with four or more tires which has the apparent ability to be driven away from the scene of an incident.

**B. Moving Vehicle:** Any vehicle with four or more tires which is being operated in such a manner as to avoid the arrest of the occupant(s).

**C. Stop-Stick:** Tire deflation devices are used by law enforcement agencies across the nation as a tool to end police pursuits by deflating the tires of the suspect vehicle. Stop-Sticks are comprised of four 3-foot triangular segments with spikes that are connected and can be placed across a road. When a vehicle hits the strip, it injects metal tubes into the tires that cause them to slowly deflate. The tires do not blow out rather they slowly deflate in several seconds.

**III. Procedures:**

**A. Stopped Vehicle:**

**a.** A Stop-Stick device may be deployed when the possibility exists that a wanted or dangerous person may enter a vehicle and leave an area of containment.

**b.** A Stop-Stick device may be utilized to contain a suspected drunken driver who refuses to exit a vehicle and may attempt to drive away after being stopped by an officer.

**c.** A Stop-Stick device may be used when an officer, based on the information available at the time, feels it is prudent to prevent, or significantly slow, a vehicle which may leave the scene of an incident.

**B. Moving Vehicle:**

**a.** A Stop-Stick device may be deployed when the operator of a vehicle is failing to stop for an officer who is attempting to stop and/or arrest the occupant. The vehicle failing to stop must meet the criteria in this agency's Pursuit & Emergency Vehicle Operations Policy.

- b. Prior to deploying the Stop-Stick device, the deploying officer will advise the communications center of the location of the deployment. Once the suspect vehicle has passed over the device, the deploying officer will remove the device from the roadway and advise the communications center that the device has been removed.

**C. General use of a Stop-Stick:**

- a. No officer will be permitted to deploy a Stop-Stick until they have been trained in the proper use of the device.
- b. A Stop-Stick device shall not be deployed until authorization has been received from a supervisor.
- c. A Stop-Stick device **will not** be deployed to stop vehicles with less than four tires, vehicles carrying hazardous materials, or buses carrying passengers, unless the continued movement of the vehicle would result in an increased hazard to others. A Stop-Stick device **will not** be deployed on a motorcycle, UTV or ATV type of vehicle.
- d. A Stop-Stick device works best on paved surfaces and officers **will not** use on dirt or gravel roads or when the roadway surfaces are slick due to ice, snow, and rain.
- e. Officers must be vigilant at all times and recognize the dangers associated with high-speed vehicles, suspect behavior and trailing officers focus on the vehicle being pursuit and low-light environment. An officer deploying the device shall use any available barriers, such as guardrails, abutments, bridges, overpasses, or vehicles, to provide protection during deployment.
- f. A deployment location should have a good line of sight distance for the deploying officer.
- g. A Stop-Stick device should not be deployed around curves, along roads with steep shoulders, blind turns or on bridges.
- h. The use of a Stop-Stick may not force some individuals to stop.

**D. Reporting:**

- a. Deploying officers shall document in the offense report anytime a Stop-Stick is deployed, outlining the circumstances of the deployment and any damage which occurred.

**E. Replacement:**

- a. If the Stop-Stick was struck by any vehicle the device is no longer fully functional and should be replaced as soon as possible. Officers will notify their supervisor and the supervisor will fill out the "pursuit report form" at [www.stopstick.com](http://www.stopstick.com), or fax it to 513-202-0240.

- b. If the Stop-Stick was not struck by any vehicle, then the Stop-Stick needs to be inspected for damage. If undamaged, return the sleeved Stop-Stick for the next deployment situation.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **22. Motor Vehicle Stops/Searches**

- I. **Purpose:** The purpose of this policy is to direct officers in their contacts with motor vehicles.
- II. **Policy:** The policy of this Department is to protect and serve the constitutional rights of all citizens when conducting vehicle stops and searches while balancing the needs of law enforcement in solving crime for the protection of the community.
- III. **Definitions:**
  - A. **Motor Vehicle:** Any motorized vehicle that is capable of movement to include motor homes.
  - B. **Probable Cause (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
  - C. **Probable Cause (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed, and the person to be arrested is the one who is or has committed the crime.
  - D. **Reasonable Suspicion (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause, but based upon articulated facts, that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
  - E. **Reasonable Suspicion (frisk):** Facts and circumstances based upon observations or information, short of probable cause, but based upon articulated facts, that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.
  - F. **Frisk (weapon):** A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.

**G. Motor Vehicle Stop:** Motor vehicle stop means any stop of a motor vehicle, except for a stop of a motor truck, truck-tractor, semi-trailer, trailer, or towed vehicle at a state weighing station.

#### **IV. Procedures:**

**A. Vehicle Stops:** Vehicles may be lawfully stopped under the following circumstances:

- a. Reasonable Suspicion Based Stop:** Where an officer has articulated facts that support a belief that criminal activity is occurring and that a vehicle is involved, the officer may stop the vehicle to investigate further. The stop may continue as long as the officer diligently investigates to confirm or dispel his or her suspicion that criminal activity is occurring and the occupant(s) of the vehicle are involved.
- b. Probable Cause based Stopped (Traffic Violation):** Where an officer has probable cause to believe that a violation of the motor vehicle code has occurred, the officer may stop the vehicle and detain the vehicle for a reasonable amount of time while the citation is completed.
- c. Probable Cause Based Stop-Arrest/Search:** Where an officer has probable cause to believe that a person in a vehicle has committed a crime, or probable cause to believe that a vehicle contains evidence of a crime or contraband, the officer may stop the vehicle to arrest the occupant (in the arrest situation) or stop the motor vehicle to search the vehicle in the search scenario.
- d. Consensual Contact:** An officer may approach any stopped vehicle (a vehicle which is stopped by the operator's own volition prior to police contact) and attempt to speak to person(s) in the vehicle. The officer has no power to force compliance with his or her attempt to contact in the consensual situation.

**B. Ordering Persons from a Vehicle:** An officer may order any occupant of a lawfully stopped vehicle to exit the vehicle during a lawful stop.

**C. Frisk of a Vehicle:** An officer who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the vehicle subject to the following limitations:

- a.** The search is limited to subject's immediate area of control which would be the passenger compartment of the vehicle; and
- b.** The search is limited to those areas in the passenger compartment capable of holding a weapon.

**D. Search Incident to Arrest (Vehicle):** Following the lawful arrest of a subject from a vehicle or after a subject has exited a vehicle just prior to arrest, officers may search the vehicle incident to the arrest, subject to the following limitations:

- a.** The arrest must be lawful and must be a full-custodial arrest;
- b.** The search must take place at the time of the arrest;

- c. A search incident to arrest may not take place once the arrestee is secured in handcuffs and secured in a law enforcement vehicle unless the officer has reasonable grounds to believe that the vehicle contains evidence of the particular crime for which the subject was arrested;
  - d. The search incident to arrest is limited to the arrestee's immediate area of control (passenger compartment only) but is a thorough search. If the vehicle's trunk is in the immediate area of control of the arrestee and accessible from the passenger compartment, it may be searched incident to arrest;
  - e. Unlocked containers within the vehicle may be searched irrespective of who the containers belong to; and
  - f. The person of other occupants may not be frisked or searched simply because another person in the vehicle has been arrested.
- E. Consent Search of Vehicle:** An officer may ask the person in control of any lawfully stopped vehicle, or a vehicle that is not moving at the time of a consensual contact, for consent to search the vehicle. Consent searches are subject to the following limitations:
- a. The consent must be voluntary;
    - i. Written consent is not required under federal law; however written authorization or a mobile video recording that documents consent will assist in proving the voluntary nature of the consent;
  - b. The scope of the search is within the control of the person granting consent, thus, the consenting party can direct the area which an officer is allowed to search as well as how long the search may last; and
  - c. Officers may not prolong a stop beyond its original justification in order to obtain consent.
  - d. NOTE: Under the rules of consent there is no requirement that officers inform a person of their right to refuse the officer's request, however a person who is told of their ability to refuse will be less likely to make out a claim that their consent was not voluntary.
- F. Probable Cause Searches of Vehicles (Carroll Doctrine/Motor Vehicle Exception to the Warrant Requirement/Mobile Conveyance Exception)** An officer may, without a warrant, search a motor vehicle when the officer can articulate probable cause to believe that the vehicle contains evidence of a crime or contraband subject to the following limitations:
- a. In cases where the vehicle was stopped or parked prior to contact by the police, the area where the vehicle is parked is not private property such that officers would have to obtain a warrant to gain access to the property itself;

- b. The vehicle is capable of movement. This does not mean that the vehicle is occupied - it simply means that the vehicle could be started and driven off with the turn of a key;
- c. Officers may search the entire vehicle where there is probable cause to believe there is evidence or contraband in the vehicle;
- d. Officers may only search those areas within the vehicle capable of containing the item being sought. For example, an officer looking for stolen stereo equipment would exceed the scope of a probable cause search if he or she were to search the ashtray for the stolen equipment.

**G. Drug Sniffing Canine:** Where officers have a lawfully stopped vehicle, they may utilize a drug-detection canine to sniff the exterior of the vehicle as long as the sniff occurs within the duration from a time standpoint of the purpose that justified the stop to begin with. For example, if the vehicle was stopped for speeding, the canine would have to arrive and conduct the sniff in the time it would take to write the citation or warning.

- a. If the stop must be prolonged beyond its justification to wait for the canine to arrive, the vehicle must be released and the canine cancelled.
- b. It is recognized that an officer may develop reasonable suspicion of possession of narcotics during the initial stop which would then justify prolonging the stop for the canine's arrival.
- c. If the canine conducts a sniff in accordance with this policy and alerts on the vehicle, the officer has probable cause and may conduct a probable cause search of the vehicle.
- d. Putting a canine inside a vehicle is a search for 4<sup>th</sup> Amendment purposes and must not be done unless the officer can support the search by probable cause to believe the vehicle contains contraband.

**H. Inventory Searches:** An inventory search is not a search for evidence or contraband and is not a search with an investigative purpose. The primary objective of these searches is to protect the property of persons whose vehicles are towed at the direction of law enforcement. These searches also have the objective of protecting law enforcement from false claims with respect to vehicles that are towed at the direction of law enforcement. Inventory searches are subject to the following limitations:

- a. All vehicles towed at the direction of an officer of this agency, irrespective of the reason for the tow, shall be inventoried in accordance with this policy.
- b. Officers will note in their report any items of value that are within the vehicle.
- c. If a weapon or item of high value is located within the vehicle and is removable, the officer shall take the item for safekeeping and either turn the item over to the owner or, when that is not possible, take the item to the Department to be held for

safekeeping in accordance with the provisions of the property and evidence policy.

- I. **Community Caretaking Search:** Where officers have reason to suspect that a vehicle contains a dangerous item, which, if left unattended will endanger public safety, the officer may search the vehicle to remove the dangerous item for safekeeping. An officer removing such an item should protect the owner's property interest by ensuring that the item is stored in accordance with Department procedures relating to property and evidence.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **23. Search and Seizures Residences**

- I. **Purpose:** The purpose of this policy is to direct officers and supervisors with respect to home entries.
- II. **Policy:** The policy of this Department is to protect and serve the Constitutional rights of all citizens when conducting home entries while balancing the needs of law enforcement in solving crime for the protection of the community.
- III. **Definitions:**
  - A. **Probable Cause (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
  - B. **Exigent Circumstances Entry:** Entry of a dwelling without a warrant due to some existing emergency that would not allow an officer time to get a warrant.
  - C. **Search Incident to Arrest:** A search of the arrestee and their immediate area of control that is allowed whenever a custodial arrest is made.
  - D. **Consent:** The voluntary granting of permission for an officer to enter an area that is protected by the 4<sup>th</sup> Amendment by a person who has a reasonable appearance of authority over that area.
  - E. **Dynamic Entry:** The utilization of a special team (i.e. SWAT, ERU etc.) when executing a high-risk warrant, entering to control a barricaded subject, or similar high-risk event.
- IV. **Procedures:** At the outset, officers are directed that there are only three lawful methods upon which he or she may enter a person's dwelling. These methods include

a warrant (arrest or search-with differing rules for each), exigent circumstances, or consent.

- A. Risk Assessment Matrix:** Unless exigent circumstances exist, officers shall compile a risk assessment matrix prior to planning any entry of homes or other buildings.
- B. Written Operations Plan:** Unless exigent circumstances exist, officers shall complete a written operations plan prior to executing any warrant entry of a home or other building.
- C. Knock and Announce:** Prior to considering a forced entry into a dwelling, officers must knock at the entrance and announce their identity and purpose unless one of the following circumstances exist:
  - a.** The officer's purpose is already known to the occupant;
  - b.** When the personal safety of the officer or others would be jeopardized by the announcement;
  - c.** When the delay caused by the announcement may enable the suspect to escape;
  - d.** When a prisoner has escaped and retreated to his home; or
  - e.** When the announcement may cause evidence to be destroyed.
  - f.** NOTE: If officers believe that one of the above circumstances exist prior to obtaining the warrant, they should seek judicial approval for a "no-knock" warrant by outlining the factors believed to exist in their affidavit.
  - g.** In determining how long an officer must wait before forcing entry following the knock and announcement, officers should consider the nature of the item sought and how long it would take to destroy the item. The United States Supreme Court found 15-20 seconds to be a reasonable amount of time in a drug warrant case.
  - h.** NOTE: No knock warrants must be approved by the Chief of Police and, if absent, its specified designee.
- D. Arrest Warrant (Felony or Misdemeanor):** An officer may enter the home of the subject of an arrest warrant in cases where the officer also has probable cause to believe the subject is home.
  - a.** Knock and Announce Rules Apply.
  - b. Search Incident to Arrest-3 Zones:**
    - i.** Officers may, at the time of the arrest, search the room the subject is arrested in once a lawful arrest is made. It is noted that the officers are limited to the arrestee's immediate area of control at the time of the arrest.

- ii. Officers may, at the time of arrest, also look into, but not go into, areas adjoining the room of arrest, from which an attack could be launched.
    - iii. Officers may conduct a protective sweep, limited to those places where a person could be, in cases where the officers have reasonable suspicion to believe someone else on the premises poses a danger to the officer.
  - c. Officers must obtain a search warrant before entering the residence of a third-party in order to search for the subject of an arrest warrant unless exigency or consent exists.
- E. **Search Warrants:** Officers must have probable cause to believe that evidence of crime exists and must have probable cause to believe it will be located at the place to be searched.
  - a. **Knock and Announce Rules Apply:** All necessary and reasonable force may be used to effect an entry into any building or part thereof to execute a search warrant if, after verbal notice or a good faith attempt at verbal notice by the officer executing the warrant which states the officer's authority and purpose:
    - i. He or she is refused admittance;
    - ii. The person or persons on the premises refuse to acknowledge the verbal notice or the presence of persons inside the building is unknown to the officer; or
    - iii. The building or property is unoccupied.
    - iv. NOTE: where the officer has reasonable grounds to believe that the announcement will place the officer in greater peril or lead to the immediate destruction of evidence, the officer may dispense with the knock and announce requirement.
  - b. The court issuing the warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:
    - i. The officer reasonably believes that if notice were given a weapon would be used:
      - (a) Against the officer executing the search warrant; or
      - (b) Against another person.
    - ii. That if notice were given there is an imminent danger that evidence will be destroyed.
  - c. The search warrant itself must particularly describe the place to be searched and must also particularly describe the items to be seized.
  - d. The scope of a search warrant is limited by information (i.e. information developed indicates that items are stored in a specific location). The scope

may also be limited by the size of the item; (i.e. if looking for a stolen piano, one would not open a bureau drawer).

- e. All search warrants must be executed in a reasonable manner.
  - i. Under Nebraska law the warrant must be executed and returned within ten (10) days after its date.
  - ii. Search warrants must be executed and returned without unreasonable delay. The return of service shall include an inventory of items seized.
  - iii. Search warrants must be executed during daytime hours (0700-2000 hrs.) unless the judge or magistrate determines that it is in the public interest to execute the warrant at anytime.
  - iv. An inventory of all items seized shall be compiled in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken if they are present, or in the presence of at least one credible witness other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer. R.R.S. Neb. § 29-815. If neither of those persons is present the inventory shall be compiled by two officers and a copy shall be left at the scene.
  - v. A duplicate copy of the warrant shall be left with any person from whom items are seized or if no one is present, a copy shall be left in a conspicuous place at the residence.
- f. A search warrant may be issued under Nebraska Revised Statute §29-814.05 pursuant to a telephonic statement made to a magistrate or judge. Prior to telephonically contacting a magistrate or judge, the law enforcement officer requesting the warrant shall contact the county attorney or a deputy county attorney of the county in which the warrant is to be issued for the purpose of explaining the reason why a search warrant should be issued pursuant to a telephonic statement.
- g. **Detention and Search of Persons on the Premises:** When executing a search warrant, the officer may reasonably detain, and in some cases frisk, any person in the place at the time under the following limitations (these limitations apply even in cases where the warrant calls for the “search of any person present”):
  - i. **Frisk:** To protect him or herself from attack when the officer has reasonable suspicion, based upon specific facts, to believe that the individual present is armed and poses a threat.
  - ii. **Search:** To prevent the disposal or concealment of any item particularly described in the warrant where there is probable cause, based upon specific facts, to believe that the person to be searched is in possession of said item.

- iii. **Detain:** Officers may detain any person who is present at the scene of a residence where officers are executing a search warrant. Where officers are executing a dangerous search warrant, all person(s) present may be handcuffed while officers conduct their search. If at any time it is determined that the person restrained in handcuffs is not dangerous, the handcuffs should be removed.
- F. Consensual Entry-** Officers may, without reasonable suspicion or probable cause, enter a dwelling based upon the consent of a person who appears to have authority over the premises.
- (a) **NOTE: These provisions apply to Knock and Talk events**
  - b. Consent must be voluntary
  - c. Consent need not be in writing, but written documentation will assist officers in proving that the consent was voluntary.
  - d. Officers may not enter a dwelling in a case where a co-occupant is present and objecting to the entry.
  - e. The scope of a consensual entry and search rests with the consenting party who controls both how long the entry and search may last, as well as what locations within the residence may be searched.
  - f. Officers should not rely on the consent of a juvenile under the age of 15.
- G. Exigent Entry-** An officer may enter a home based on emergency circumstances when any of the following circumstances exist:
- a. Hot pursuit of a fleeing felon;
  - b. **Misdemeanors, Do Not Categorically Qualify** as an exigent circumstance for purposes of warrantless home entry. Invoking the exigent circumstances exception to enter a home should rarely be sanctioned when there is probable cause to believe that only a “minor offense” has been committed. The flight of a suspected misdemeanant does not always justify a warrantless entry into a home. In some cases, it will, but those must be justified by something more than simple flight from apprehension. The seriousness of the crime, the nature of the flight, and the surrounding facts need to be taken into consideration;
  - c. Imminent destruction of evidence for any jailable offense;
  - d. Need to prevent suspect’s escape from a serious misdemeanor which is a jailable offense;
  - e. Risk of danger to police or others inside or outside the dwelling;
  - f. Officers may enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such an injury;



## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 24. Search Warrant-Obtaining

- I. **Purpose:** It is the purpose of this policy to provide guidelines for obtaining search warrants.
  
- II. **Policy:** The search warrant is one of the more powerful and valuable tools in the law enforcement arsenal. While the process of applying for and obtaining a search warrant should be familiar to most officers, there are many technical and legal pitfalls that can invalidate a search warrant, lead to the suppression of evidence or dismissal of cases, and have liability implications for involved officers. Therefore, it is the policy of the Department that all officers have a sound knowledge of the legal requirements associated with obtaining a search warrant in order to prevent suppression of evidence, support the Constitutional rights of citizens and to maintain public confidence in this agency's mandate to carry out the police function in an ethical and legal manner.

#### III. Definitions:

- A. **Search Warrant:** A written order, in the name of the people, signed by a magistrate or other judicial authority, directing a peace officer to search for specified items of evidence in a particular place and bring it before the magistrate.

#### IV. Procedures: Legal Requirements for a Search Warrant:

- A. The Fourth Amendment of the U.S. Constitution prohibits unreasonable searches. Officers conducting searches without a warrant—such as those noted below—bear the burden of proving that the search was reasonable. Therefore, officers should consider obtaining a search warrant whenever time and circumstances permit. Some exceptions to the search warrant requirement include the following.
  - a. **Searches Incident to Arrest:** Searches of a person or the area within the immediate control of a person who has been lawfully arrested are permitted to secure weapons or evidence of a crime.
  - b. **Emergencies:** Officers may conduct searches to prevent the imminent destruction of evidence or when they believe that a person is in need of

immediate assistance under life-threatening conditions, when immediate action is necessary to protect the public from harm, or when, for example, an officer encounters a homicide scene and needs to search for additional victims, protect vital evidence, or pursue the perpetrator.

- c. **Vehicle Search:** A motor vehicle and containers found within may be searched when probable cause exists to believe that the vehicle may reasonably contain contraband or the fruits or instrumentalities of a crime.
- d. **Consent Searches:** A search may be conducted pursuant to consent without a warrant and without probable cause to obtain a warrant. The consent must be voluntary, freely and intelligently given by an appropriate party and the search must be limited to the terms of the consent. Written consent/audio and video consent should be sought whenever reasonably possible.

## **B. Legal Basis for Seeking a Warrant**

- a. In order to obtain a search warrant, an officer must be able to show probable cause to believe that specific evidence, contraband or fruits of a crime may be found at a particular location.
- b. Specific facts establishing probable cause shall be set forth with clarity and specificity. Officers shall not rely solely upon personal opinion or unauthenticated third-party information or hearsay. Such facts may be based on personal observation/knowledge of the officer or information from a reliable source.
- c. When informants are used—particularly confidential informants—the reliability of the informant and information provided shall be specified. Whenever possible, officers shall corroborate informant information.

## **C. Affidavit Preparation**

- a. An affidavit supporting application for a search warrant shall be prepared on the designated agency form. The accuracy of the affidavit is vital to the validity of the search warrant; thus, officers shall ensure that the following information is clearly and completely specified.
- b. **Offense:** The offense shall be described with reference to the criminal code section where possible.
- c. **Place or Thing to be Searched:** The place or thing to be searched shall be described with specificity, and officers shall ensure that the warrant includes the specific reference(s). Where premises are to be searched, references should include:
  - i. Street number and apartment number if appropriate;

- ii. Physical description of the premises;
  - iii. Name of owner or occupant(s);
  - iv. Geographical location of the property; and
  - v. At the case officer's discretion: photographs, maps or diagrams that help to specify the location in question.
- d. **Scope of the Search:** Only those things described in the search warrant can be seized. Therefore, the affidavit shall specify and officers shall ensure that the warrant includes the following:
- i. All areas that officers desire to search shall be designated. In cases where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a "premises" search and its "curtilage" and should identify any outbuildings such as garages, tool sheds or barns, where appropriate.
  - ii. Motor vehicles known to be on the premises that may be searched should be specified.
- e. Searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible.
- f. The specific items to be searched for shall be detailed. Where the item may be dismantled (e.g. firearms), the warrant should authorize search for parts, pieces or components of that item.
- g. Officers anticipating search of computers and related high-technology equipment shall consult a designated expert for appropriate language to use in the affidavit and procedures for seizure of hardware and software.

**D. Time and Method of Search:** A search warrant may be served at any time of the day or night as long as the affidavit provides good cause and permission is granted in the warrant.

**E.** Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

**F.** Officers may request a "no-knock-and-announce" provision in the warrant when they have reason to believe that adherence to the knock-and-announce rule would endanger their safety or the safety of others, would enable wanted persons to escape or would likely result in the destruction of evidence before entry can be made.

**NOTE: No-knock warrants must be approved by the Chief of Police, or if absent, its specified designee.**

- G. Review of the Warrant:** Officers shall review search warrants issued by judicial authorities to ensure that they include all pertinent information set forth in the affidavit accurately and completely, and that the warrant has been properly signed. Officers shall not attempt to serve any warrant that is known to contain substantive or administrative errors.
- H. Return on the Warrant:** Officers shall observe statutory and administrative requirements regarding return on the warrant to include providing a receipt to the proper person for property taken, retention and security of property taken, and return of the warrant and delivery of the property inventory to the appropriate judicial authority within specified time limits.
- I. Recording:** A record shall be maintained of all warrants issued to this agency and actions taken in response to each.
- J. Liaison with the Prosecutor's Office:** Officers seeking warrants in unusual situations or where the seriousness, nature or legal complexity of the case dictates should consider reviewing the case with the prosecutor's office prior to seeking a search warrant.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **25. Search Warrant-Execution**

- I. Purpose:** The purpose of this policy is to provide officers of this Department with guidelines for the execution of a search warrant.
- II. Policy:** It is the policy of this agency to provide techniques to accomplish a thorough and legal search; respect the constitutional rights of the person(s) the warrant is being served upon; minimize the level of intrusion experienced by those who are having their premises searched; provide for the safety for all persons concerned; and establishes a record of the warrant execution process.
- III. Definitions:**
  - A. Search Site:** The premises to be searched, as explicitly stated in the search warrant.
  - B. Search Personnel:** Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

- C. Evidence Collector:** Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.
- D. Case Agent:** The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.
- E. Protective Sweep:** Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

#### **IV. Procedures:**

##### **A. Warrant Service Planning:**

1. The case agent shall advise and receive approval from his or her supervisor before serving the warrant.
2. Selection of officers to serve the warrant shall be based on the officer's prior training and experience in conducting warrant service consistent with the demands of the warrant service in question.
3. The case agent shall ensure complete preparation for serving the warrant in accordance with its nature and complexity and in consultation with the prosecutor.
4. Possible issues that may be considered in the planning process include but are not limited to the following:
  - a. Gather intelligence on the target site to include the structure, immediate area surrounding the structure, and surrounding neighborhood.
  - b. Assess the capabilities and backgrounds of suspects to include criminal records, and history of weapons usage and potential for violence.
  - c. Determine the best date and time for warrant execution. The warrant shall be executed as soon as practicable as defined by Nebraska law.
  - d. Determine equipment, team personnel, and any specialized team requirements.
  - e. Secure a warrant and ensure that it is thoroughly reviewed for accuracy, legal integrity, and completeness.
  - f. **No-knock warrants must be personally approved by the Chief of Police or, if absent, its specified designee.**
  - g. No-knock warrants where legally permitted and specified in the warrant, shall be conducted in accordance with state law.
  - h. The need for a no-knock warrant shall be clearly specified in the application and affidavit for a warrant.

- i. Should nighttime service be anticipated or desired, justification shall be included in the affidavit and must be authorized in the search warrant.

**B. Preparation for Executing the Warrant:**

1. The case agent will work cooperatively to ensure proper preparation, planning, and service of the warrant. He/she shall detail procedures for executing the warrant to all team members in a warrant-service briefing. The plan briefing shall be conducted by the case agent and will include but not necessarily be limited to the following:
  - a. Threat matrix will be completed by the case agent and verified for accuracy by a supervisor if required based on the warrant details.
  - b. The specific items subject to the search as defined in the warrant and any available information on their location.
  - c. Information concerning the structure to be searched and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern if needed and available.
  - d. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of children, the elderly or others who may not be involved with suspects.
  - e. A complete review of the tactical plan to include the staging area, route of approach, individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects. Where feasible, a drive-by with the affiant/case agent and tactical commander will be conducted.
  - f. Personnel, resources, or equipment necessary for gaining entry, safety and security of officers, or for conducting the search.
  - g. If a joint agency task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team.
  - h. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
  - i. Procedures for exiting the location under emergency conditions.
  - j. The entry team shall at all times include uniformed officers who shall be conspicuously present where the warrant is served. All non-uniformed

officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of their Department.

- k. All members of the search team shall wear body armor or ballistic vests.
- l. Prior to execution of the warrant, the case agent shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
- m. The case agent shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
- n. The case agent shall ensure that the entire search warrant execution process is documented until the search team leaves the premises. A written record shall be supported by photographs and, if practical, videotaping of the entire search process.

**C. Entry Procedures:**

1. If an advanced surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.
3. **Notification:** An easily identifiable officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.
4. Following the knock-and-announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable

**D. On-Premises Activities:**

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.
3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search. Search personnel

shall then follow the plan that details the likely whereabouts of the items to be seized and the order of operation for conducting the search.

4. Items specified in the warrant may be searched for in places where they may reasonably be expected to be located and seized, as well as other items that are reasonably recognized as evidence.
5. An officer designated in the plan shall be responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian, laboratory, or other authority.
6. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by agency policy.
7. Officers should exercise reasonable care in executing the warrant to minimize damage to property.
8. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
9. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
10. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site and documented in the case agent's report.
11. In a timely manner upon conclusion of the warrant service, the case agent and tactical coordinator shall conduct a debriefing of all participating officers.
12. The case agent shall thereafter prepare and submit an after-action report on the warrant service, results of actions taken, and recommendations for further investigative actions.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **26. Stop, Arrest and Search of Persons**

- I. **Purpose:** The purpose of this policy is to direct the members of this agency on the lawful limits of authority with respect to contacts with persons.
- II. **Policy:** The policy of this Department is to protect and serve the Constitutional rights of all citizens when stopping, arresting or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.

### III. Definitions:

- A. **Probable Cause (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- B. **Probable Cause (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
- C. **Reasonable Grounds:** As used in this policy, reasonable grounds shall have the same meaning as probable cause.
- D. **Reasonable Suspicion (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts, that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
- E. **Reasonable Suspicion (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts, that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.
- F. **Frisk (weapon):** A limited type of search where an officer may only conduct a search for weapons. With respect to a person, such a search is limited to a pat-down of the subject's outer-clothing.
- G. **Strip search:** The removal or rearrangement of clothing that results in the exposure or observation of a portion of the genitals, the buttocks, or the breasts of a person.
- H. **Consensual Contact:** An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement member has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer's efforts. Under this type of contact an officer has no power to detain an individual who chooses not to participate in the contact.
- I. **Arrest:** An arrest is the taking of a person into custody so that he/she may be held to answer for the alleged commission of a public offense.
- J. **Fresh pursuit** shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony in this state. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used here shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

- K. Custodial Interrogation:** Custodial interrogation has the meaning prescribed to it under the Fourth and Fifth Amendments to the Constitution of the United States and Article I, sections 3 and 7, of the Constitution of Nebraska, as interpreted by the United States Supreme Court and the Nebraska Supreme Court; The U.S. Supreme Court defines custody as: “By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.”
- L. Electronically Record:** To record using an audio recording device, a digital recording device, or a video recording device;
- M. Place of Detentions:** A police station, sheriff's office, troop headquarters, courthouse, county attorney's office, juvenile or adult correctional or holding facility, community correctional center, or building under the permanent control of law enforcement at which the person is in custody pursuant to the authority of a law enforcement officer; and
- N. Reasonable Exception:** Circumstances in which:
- (a) A statement was made when it was not practicable to electronically record the statement;
  - (b) Equipment to electronically record the statement could not be reasonably obtained;
  - (c) The person in custody refused to have the statement electronically recorded;
  - (d) The equipment used to electronically record the statement malfunctioned; or
  - (e) The law enforcement officer conducting the statement reasonably believed that the crime for which the person was taken into custody was not a crime described in Nebraska Revised Statute §29-4503(2).

#### **IV. Procedures:**

- A. Consensual Contact:** An officer may approach anyone and attempt a consensual contact.
- a.** Officers are not required to have reasonable suspicion for this type of contact.
  - b.** Officers may not take any steps through words or conduct to stop the person's movement under this type of stop.
  - c.** A person cannot be compelled in any way to participate in the stop.

- B. Reasonable Suspicion Based Stops/Terry Stops:** An officer who is aware of facts and circumstances that would lead a reasonable police officer to conclude that criminal activity is afoot, may stop a person, using reasonable force short of deadly force, and detain the person for a reasonable amount of time to investigate further.
- C. Reasonable Suspicion Based Frisk:** An officer may conduct a limited frisk/pat-down of a person's outer-clothing when the officer has reasonable suspicion to believe that a person who has been lawfully stopped is in possession of a weapon that poses a danger to the officer or others present.
- a. Items that may support reasonable suspicion:**
- i.** The type of crime for which the stop is based is one that would lead a reasonable officer to conclude generally involves a weapon.
  - ii.** The officer observes a bulge in the subject's clothing that has the appearance of a weapon.
  - iii.** The officer has information (an anonymous tip merely providing description and location is not enough) indicating that a person is armed.
  - iv.** The officer is aware of the subject's history of carrying weapons.
  - v.** The officer observes the subject reach as if reaching for, or reaching to hide, a weapon (furtive movements).
- b. Plain Feel:** An officer may retrieve items which the officer feels during the frisk under the following circumstances:
- i.** The officer is conducting a valid frisk; and
  - ii.** The officer feels an item which the officer knows is a weapon;
  - iii.** The officer immediately recognizes the item as evidence or contraband without making a further intrusion. Squeezing or manipulating the item during the frisk would constitute a further intrusion under this section and would therefore invalidate the seizure.
- c.** The frisk is limited to a pat-down of the outer-clothing and does not include reaching into pockets etc. unless the officer feels an item during the frisk that the officer reasonably believes is a weapon.
- D. Arrest:** An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established an officer may take custody of the subject and involuntarily transport the subject.
- a.** NOTE: If the person to be arrested is in a dwelling, refer to Home Search Policy (Policy 4.24). If the person to be arrested is in a vehicle, refer to vehicle search policy (Policy 4.23).
- E. Under Nebraska Law:**

- a.** A peace officer may arrest a person without a warrant when the officer has reasonable cause to believe that such person has committed:
- i.** A felony;
  - ii.** A misdemeanor, and the officer has reasonable cause to believe that such person either:
    - (a)** Will not be apprehended unless immediately arrested,
    - (b)** May cause injury to himself or herself or others or damage to property unless immediately arrested,
    - (c)** May destroy or conceal evidence of the commission of such misdemeanor, or
    - (d)** Has committed a misdemeanor in the presence of the officer,
    - (e)** One or more of the following acts to one or more household member or with whom there is a dating relationship, whether or not committed in the presence of a peace officer:
      - Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument;
      - Placing, by physical menace, another in fear of imminent bodily injury; or
      - Engaging in sexual contact or sexual penetration without consent.
      - Household members shall include spouses or former spouses, children,  
persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other; and
      - Dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.
- b.** An officer **shall** arrest a person if the officer has probable cause to believe that person is in violation of a protection order.

- c. Officers are authorized to issue a citation in lieu of arrest or continued custody for any offense, which is a traffic infraction, any other infraction, or a misdemeanor, and for any violation of a city or village ordinance.
- d. Officers shall issue citations for infractions unless:
  - i. The accused fails to properly identify themselves;
  - ii. The accused refuses to sign the citation;
  - iii. The accused will refuse to respond to the citation;
  - iv. Such custody is necessary to protect the accused or others when his or her continued liberty would constitute a risk of immediate harm;
  - v. Such action is necessary to carry out a legitimate investigative function;
  - vi. The accused has no ties to the jurisdiction reasonably sufficient to assure his or her appearance; or
  - vii. The accused has previously failed to appear in response to a citation.
  - viii. An officer may take a person alleged to have committed an infraction into custody if harm is likely to occur to either the individual or society if such person is not taken into custody.

**F. Search Incident to Arrest of a Person:**

- a. When an officer arrests a person on the street, the officer may conduct a thorough search of the subject's person (not strip search) and the subject's immediate area of control.
- b. Cross-gender pat-downs and searches are restricted to those circumstances where exigent circumstances are present and no officer of the subject's gender is available to conduct the search.
- c. The purpose of this search is the following:
  - i. Protecting the officer from attack;
  - ii. Preventing the person from escaping;
  - iii. Discovering or seizing the fruits of the crime for which the person has been arrested; or
  - iv. Discovering or seizing any instruments, articles, or things that are being used or which may have been used in the commission of the crime for which the person has been arrested.
- d. This search may include the subject's pockets as well as any items he/she is in possession of at the time of the arrest. (For search incident to arrest in home, see home search policy. For incident-to-arrest search in vehicle, see motor vehicle contacts policy, Policies 4.23 and 4.24)

- e. When a cellular telephone is seized during the incident-to-arrest search the seizing officer is prohibited from searching the contents of the device, **a search warrant is required**. If the officer can articulate an exception to the warrant requirement, consent, or exigent circumstance, then the search may be permissible.

**G. Custodial Interrogation:** Questioning of In-Custody Suspect. Miranda v. Arizona, 384 U.S. 436 (1966). A suspect must be warned prior to any questioning:

- a. That he/she has the right to remain silent,
- b. That anything he/she says can be used against him/her in a court of law,
- c. That he/she has the right to the presence of an attorney, and
- d. That if he/she cannot afford an attorney one will be appointed for him/her prior to any questioning if he/she so desires.
- e. All statements relating to crimes described below of this section and statements regarding rights described in section NRS 29-4501 (Miranda Warnings), or the waiver of such rights made during a custodial interrogation at a place of detention as described in the definitions section of this policy, shall be electronically recorded.
- f. Statements subject to this section are those statements relating to: Crimes resulting in death or felonies involving:
  - i. Sexual assault,
  - ii. Kidnapping,
  - iii. Child abuse,
  - iv. Strangulation; or

- v. Offenses being investigated as part of the same course of conduct as the offenses described above.

## H. Privilege from Arrest:

### a. Diplomatic and Consular Immunity:

- i. **Background:** Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official, and to a large extent, their personal activities. It should be emphasized, however, that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations.
- ii. Categories of persons entitled to diplomatic immunity are as follows:
  - (a) **Diplomatic Agent:** Enjoys the highest degree of privileges and immunity. Diplomatic Agents may not be handcuffed (except in extraordinary circumstances), arrested or detained for any criminal offense. Generally, they are immune from any civil suits, but are not immune from receiving a citation/summons. Family members of these persons enjoy the identical privileges and immunity.
  - (b) **Diplomatic Administrative and Technical Staff:** Enjoy privileges and immunity similar to Diplomatic Agents. Diplomatic Administrative and Technical Staff may not be handcuffed, arrested, or detained for any criminal offense. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for a motor vehicle violation. Family members enjoy identical privileges or immunity.
  - (c) **Diplomatic Service Staff:** They are accorded few privileges and immunities. Diplomatic Service Staff may be arrested or detained for criminal offenses. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for traffic violations. Family members enjoy no privileges or immunities.
  - (d) **Consular Officers:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Officers may be arrested or detained, pursuant to an arrest warrant, for felony offenses. They may be prosecuted for misdemeanors, but may not be arrested or detained prior to trial or other disposition of charges. Officers may issue a citation for traffic violations. Generally, family members enjoy no privileges or immunity.

- (e) **Consular Employees:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Employees may be arrested or detained for criminal offenses. Officers may issue a citation for traffic offenses. Family members enjoy no privileges or immunity.
- (f) **Honorary Consuls:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Honorary Consuls may be arrested or detained for criminal offenses. Officers may issue a citation for a traffic offense. Family members enjoy no privileges or immunity.

**b. Procedure for Notification When a Foreign National is arrested:**

- i. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
- ii. All foreign nationals must be told of their right to consular notification.
- iii. If the foreign national's country is not on the mandatory notification list:
  - (a) Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
  - (b) If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
- iv. If the foreign national's country is on the list of mandatory notification countries:
  - (a) Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification
- v. Keep a written record of the provision of notification and actions taken.

**c. Nebraska Exemptions from Arrest:**

- i. Registered Voters, shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at election, and in going to and returning from the same.
- ii. Members of the legislature shall in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination thereof.
- iii. If a witness from another state comes into or passes through this state under and order directing him to attend and testify in this or another state, he shall not, while in this state pursuant to the order, be subject to arrest or

the service of process, civil or criminal, because of any act committed prior to his arrival in this state under the order.

- I. **Strip Search:** In order to conduct a strip search of an individual, two (2) threshold issues must be met:
  - a. The person must first be arrested based upon probable cause to believe that person has or is committing a crime.
  - b. **Field:** The officer must have probable cause to believe that the arrestee is concealing evidence, contraband or weapons on their person. These searches shall be conducted at the police station or jail, unless exigent circumstances exist that make the search necessary to protect the officer or others from serious bodily harm or death. In such a case, the officer shall obtain supervisory authorization before making this search, unless no supervisor is available. In all cases the officer must seek a private area to conduct the search which is out of view of the public and other persons.
- J. **Booking:** Strip searches during the booking process may only be conducted when officers can articulate reasonable suspicion to believe that the subject is concealing weapons or contraband.
  - a. All strip searches conducted shall be performed by persons of the same sex as the arrested person, in a professional manner, and on premises where the search cannot be observed by persons not physically conducting the search.
  - b. Officers performing strip searches must obtain the written permission of a supervisor for the purpose of authorizing the strip search.
  - c. In all cases where a strip search has been conducted, the officer will document the following:
    - i. The name of the person searched;
    - ii. The person who conducted the search;
    - iii. The supervisor who authorized the search;
    - iv. The offense the suspect was arrested for;
    - v. Facts and circumstances that led the officer to believe that the suspect was hiding weapons or contraband on his or her person;
    - vi. The manner in which the search was conducted;
    - vii. The persons who were present during the search;
    - viii. The location where the search occurred;
    - ix. The items that were recovered as a result of the search.
- K. **Body Cavity Searches:** No search of any body cavity other than the mouth shall be conducted without a duly executed search warrant. Any warrant authorizing a body cavity search shall specify that:

- a. The search must be performed under sanitary conditions;
- b. The search must be conducted by or under the supervision of a physician licensed to practice medicine in all branches in this state.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **27. Critical Incident Investigation and Review**

- IX. Purpose:** The purpose of this policy is to direct a proper response to critical incidents by this Department.
- X. Policy:** It is the policy of this Department to provide a thorough investigation and review of all critical incidents involving members of this Department.
  - A.** In all cases, the Chief of Police or its designee shall consider whether it is in the Department's best interest to utilize the services of an outside Department to conduct the major crimes investigation that accompanies any law enforcement critical incident which involves serious bodily injury or death. In cases where it is determined that the Department lacks the resources to conduct a complete and thorough investigation of the event, an outside Department shall be notified for assistance as soon as possible. This section does not relieve the involved Department of its responsibility to conduct an administrative investigation of the critical incident and review the event for a determination as to whether or not Department issues, including policy and training, are indicated by the action.
- XI. Procedure General:** The Department shall conduct an administrative critical incident review of all firearm discharges, in-custody deaths or serious injuries, and all uses of force/response to resistive suspects when the injury results in hospitalization. This review shall result in a written critique and specifically address the following issues and make a specific determination whether:
  - A.** The force, control and/or restraint was consistent with the Department policy;
  - B.** There are any issues requiring a re-evaluation of Department policy and/or procedures;
  - C.** There are any training needs identified;
  - D.** The equipment provided by the Department was adequate; and
  - E.** Supervisory involvement was reasonable.
- XII. Officer involved shootings and in-custody death investigations: Initial Response:**

**A. First Officer on Scene:**

- a. **Neutralize the Scene:** Ensure that the scene has reached a level of control such that there is no longer a threat of harm to citizens, officers or suspects,
- b. Provide for the immediate medical attention of all persons injured,
- c. Secure the scene(s) of the event(s); to the extent possible use crime-scene tape to secure any area that may contain evidence pertinent to the events being investigated,
- d. Assign sufficient personnel to ensure that the scene perimeter is not breached,
- e. Remove the involved officer from the center of the scene to a discreet area such as a police vehicle (do not place the officer in the backseat), and
- f. Secure and segregate all witnesses to the event. This would include the segregation of the involved officers so that no allegations can be made that officers were in a position to discuss the incident.

**B. First Responding Supervisor:**

- a. Check on the well-being of involved officer(s),
- b. Allow/Assist officer(s) in calling family member(s). Ensure notifications are made to officer(s)' family
- c. Immediately assume the role of incident commander, and utilize the incident-command concept until otherwise relieved of incident command,
- d. Ensure that notice has been made to surrounding agencies,
- e. Ensure that the first responders have completed the above listed duties,
- f. Notify the hospital of incoming injured people,
- g. Determine resources necessary for circumstances, i.e. community unrest etc.,
- h. Assign a scribe to document all personnel present and the mission of each person entering the scene,
- i. Assign officer(s) to accompany injured officers, suspects and victims to the hospital,
- j. Notifications to chain of command,
- k. Brief any arriving investigators and ranking personnel,
- l. Review all initial reports and supplements,
- m. Secure all weapons, and with officer weapons, secure discreetly and provide the officer with a replacement weapon.
- n. Consider notifying the prosecutor for on-scene response.

**C. The preliminary on-scene investigation shall secure all evidence:**

- a.** Secure all recorded information surrounding the event:
  - i.** Mobile video recording;
  - ii.** Body microphone audio;
  - iii.** Car to car MDT communication;
  - iv.** Dispatch tapes;
  - v.** CAD Log;
  - vi.** 911 phone calls;
  - vii.** Area business surveillance video.
- b.** Other Evidence:
  - i.** Photographs;
  - ii.** Medical documentation particularly from arriving medical personnel at the scene;
  - iii.** Diagrams;
  - iv.** Bullet trajectory, including those that missed;
  - v.** Shell casings and any expended projectiles;
  - vi.** Walk-through narrative (do not videotape this activity);
  - vii.** The involved officer's equipment;
  - viii.** The witness officer(s)' equipment;
  - ix.** Consider using a light meter (illuminometer) to measure lighting conditions;
  - x.** Vehicles and location at the time of the incident, particularly if moved before the arrival of on-scene investigators;
  - xi.** Identification of any locations with DNA and/or latent print potential.
  - xii.** Do an area witness canvass
- D.** Officers involved in these critical events shall attend a Critical Incident-Stress Management Team debriefing.
- E.** The primary officer in a critical incident or officer involved shooting shall undergo a mandatory psychological clearance before returning to duty.
- F.** Provide all available information to investigators of the incident.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 28. Officer-Involved Death Incident Investigation

- I. **Policy:** It is the policy of this agency to establish procedures for conducting investigations into an officer-involved death incident involving members of this agency while the officer is on duty, or otherwise acting within the scope of their employment, or while the officer is off duty, but performing activities that are within the scope of their law enforcement duties.
  
- II. **Purpose:** The purpose of this policy is to ensure an accurate, thorough, fair and impartial investigation of an officer-involved death incident and to establish protocols regarding the lead investigators assigned from outside agencies.

### III. Definitions:

- A. **Law Enforcement Agency:** An agency of this state or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.
  
- B. **Law Enforcement Officer or Officers:** Any person employed by a state, county, or municipality as a policeman, peace officer, deputy sheriff or in some like position involving the enforcement of the law and protection of public interest at the risk of the person's life.
  
- C. **Officer-Involved Death:** Any death of an individual that results directly from an action of a law enforcement officer while the officer is on-duty, or otherwise acting within the scope of his/her employment, or while the officer is off-duty, but performing activities that are within the scope of his/her law enforcement duties. "Officer-involved death" includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend.

#### IV. Types of Investigations that can result from an officer-involved death incident:

- A. **A criminal investigation** of the incident.
- B. **A civil investigation** to determine potential liability of the involved law enforcement officers and agency.
- C. **An administrative investigation** conducted by this agency, to determine if the actions of the officers were in or out of compliance with this agency's policies and procedures.

#### V. Procedures:

- A. **Duties of First-Responding Officer:** Upon arrival at the scene of an officer-involved death incident, the first uninvolved officer will be the officer-in-charge and assume the duties of a supervisor until relieved by the responding supervisor and should:
  - 1. Secure the scene and coordinate pursuit of any suspects.
  - 2. Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- B. **On-Scene Supervisor Responsibilities:** Upon arrival at the scene of an officer-involved death incident the first-responding supervisor should:
  - 1. Ensure the scene is secure and as safe as possible for other responders;
  - 2. Manage pursuit of suspects, if any;
  - 3. Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals;

4. Attempt to obtain a brief overview of the situation from any officer involved;
5. Because potential witnesses to an officer-involved death incident or other major incident may be lost, or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to identify all persons present at the scene and in the immediate area;
6. 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, the supervisor should attempt to identify the witness prior to his/her departure;
7. 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 agency personnel;
8. Provide all available information to the shift supervisor and dispatch. If feasible, sensitive information should be communicated over secure networks; and
9. Take command of and secure the incident scene with additional personnel until relieved by a detective or other assigned personnel.

**VI. Notifications:** The following shall be notified as soon as practicable:

1. Chief of Police
2. Captain
3. Investigator(s)
4. Assisting Law Enforcement Agencies
5. County Attorney/Coroner
6. Psychological/Peer Support Personnel
7. Involved officer's Representative (if requested)

**VII. Investigation:**

In the event of an officer-involved death incident involving a member of this agency, the investigation shall be conducted by at least two (2) investigators from an outside law enforcement agency.

The investigators conducting the investigation shall, in an expeditious manner, provide a complete report to the prosecuting authority in the jurisdiction in which the officer-involved death incident occurred.

### **IX. Administrative Investigation:**

In addition to all other investigation associated with an officer-involved death incident, this agency will conduct an internal administrative investigation to determine conformance with agency policy and procedures. This investigation will be conducted per personnel guidelines, policy, current collective-bargaining contract and civil service regulations.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **29. Post Officer-Involved Death Incident/Officer-Involved Critical Incident**

- I. Purpose:** One of the most critical investigations in any law enforcement agency is that of an officer-involved shooting. These shootings bring media attention; citizen inquires; liability issues; and, if handled incorrectly, irreparable damage to the agency's reputation and the officer's well-being. It is widely accepted that officers involved in shootings or other significant, critical incidents require immediate support.
- II. Policy:** This policy of the Alliance Police Department is to provide the services to prepare and respond to the health and well-being of law enforcement personnel following an officer-involved shooting or critical incident.
- III. Definitions:**

**A. Officer-Involved Shooting (OIS):** An incident in which a firearm was discharged during an incident attended by an officer(s), usually where the officer fired upon a threat or attack upon his/her person or that of another, or when a firearm was discharged with the intent to cause death or injury to an officer(s).

**B. Critical Incident(s):** any actual or alleged event or situation that creates a significant risk of substantial or serious bodily harm to the physical or mental health of an officer.

**IV. Training:** This agency shall provide training to all personnel in both normal and problematic posttraumatic reactions and appropriate ways to respond to employees who have been involved in a traumatic incident. Training should include what to expect personally (including the effect on family members), professionally, Departmentally, and legally after a shooting or other significant use-of-force critical incident. Such training may occur as part of the initial academy training and/or as part of the agency's ongoing in-service training program.

**V. First Aid:** Immediately after an officer-involved shooting or other critical incident, involved personnel should be provided physical and psychological first-aid (e.g., emotional support, reassurance to involved personnel, assignment of a companion officer to any officer who is directly involved in a shooting and is separated from other pending investigative procedures). This support should be focused on calming physical and emotional stress and restoring and/or reinforcing the officer's sense of safety.

**VI. Involved Officers:** Officers who did not fire their weapons are often overlooked in the aftermath of a shooting event, be mindful that "involved officers" may include not only those who fired their weapon, but also officers who were at the scene and either did not, or could not, fire their weapon. Such officers are often strongly impacted. It is possible that similar reactions by such officers may also take place following other critical incidents.

**VII. Peer Support:**

**A.** After providing needed public safety information, an officer who fired a weapon or was directly involved in a critical incident should be encouraged to step immediately away from the scene and be transported to a safe and supportive environment by a trusted peer or supervisor.

**B.** To ensure officers are not isolated once transported from the scene, whenever possible, the supervisor will ensure there is a companion officer of the officer's choice, a chaplain, or a supportive peer available. Often the best support person is a fellow officer who is trained in peer support or has previously gone through an officer-involved shooting, who can be assigned to the officer immediately following the incident.

- C.** If officers have an immediate need to talk about the incident, they should be encouraged to do so solely with individuals with whom they have privileged communication (i.e. attorney, chaplain, licensed mental health professional).
- D.** Talking with trained peers who have had similar experiences can be quite helpful for officers involved in deadly force and other critical incidents. Peer-support officers will respond as soon as practical to provide support and psychological first-aid.
  - a.** Trained peer-support personnel may also be an asset by participating in post-incident group interventions in conjunction with mental health professionals trained and experienced in working with law enforcement.
  - b.** Family members of officers involved in shootings may also benefit from contact with a trained mental health professional and/or peer support, particularly from family members of those who have previously been involved in shootings or other life-threatening events.
  - c.** Only peer-support team members who have received specialized training in crisis intervention and the rules of confidentiality promulgated by the agency will be utilized. Peer support should be only supplemental to intervention by a mental health professional trained and experienced in law enforcement and officer-involved shootings or other critical incidents and should never take its place.

### **VIII. The Weapon**

- A.** Following a shooting incident, officers often feel vulnerable if unharmed. If an officer's firearm has been taken as evidence, or simply pursuant to agency policy, a replacement weapon should be immediately provided as a sign of support, confidence, and trust, unless there is an articulable basis for deviating from this procedure.
- B.** Officers should be kept informed of when their weapon is likely to be returned. Care should be taken to process and collect evidence from the officers as soon as practical to provide an opportunity to change into civilian clothing.

### **IX. Family/Loved ones of the Officer:**

- A.** Officers involved in a shooting or other critical incident should be provided with the opportunity and encouraged to personally contact their family members as soon as possible after the incident (e.g., by cellphone while being transported from the scene.) Timely personal contact may reduce the likelihood of loved ones receiving incomplete or misleading information from the media or other forms of rapid electronic communications.
- B.** It is prudent that no contact be made with family members before the officers have had this opportunity. Officers should be instructed to limit information to their well-being and not the facts of the incident. If it is not feasible to call themselves, then individuals who preferably know the families, or have been previously chosen by the officers or have notification training, or are designated by the agency, should call as soon as possible.
- C.** Offers to call other support people such as friends, family members, chaplains, qualified mental health professionals, and so on, should be made to ensure that the family members have their support system mobilized. Officers should be instructed to limit information to their well-being and not the facts of the incident.
- D.** Family members who wish to be with injured officers should be offered transportation in lieu of driving themselves. Officers not involved in the incident, but on duty at the time of the incident, should be allowed, as time permits, to contact their families and advise them that a shooting or other critical incident had occurred, but that they were not involved (or injured).

**X. Partnerships:**

- A.** The Alliance Police Department will establish a working relationship with one or more qualified, licensed mental health professionals experienced in the law enforcement culture as well as in the provision of post-shooting or other critical-incident interventions. The Alliance Police Department should notify this mental health resource as soon as possible following an officer-involved shooting or other critical incident, so that an appropriate intervention can be facilitated in a timely fashion.
- B.** The Alliance Police Department will develop a roster, with timely updates, containing the names and contact numbers of family members and significant others whom such personnel would like to have notified in the event that they are injured on duty and are unable to contact them personally. Officers should also identify two or three fellow officers, in order of preference, whom they would like to have contact their

family or significant other when feasible if they are unable to personally make contact after a shooting or comparable critical incident.

- C. The Alliance Police Department will take steps to help prevent this information from being viewed by unauthorized personnel. While it is preferable to have contact made by an officer who is known to family members, this may not be feasible. The Alliance Police Department will ensure that contacts with family and significant others is made by personnel trained to make such notifications.

## **XI. The Investigation:**

- A. The investigation process and concerns over legal and administrative consequences are often a stressful part of an officer-involved shooting or other critical incident for involved personnel. The first few hours after a shooting or other critical incident are a potentially emotional and confusing time so officers may wish to consult their union and legal counsel. Whenever possible, officers should be educated on the protocol of the investigation as well as any potential actions by the media, grand jury, or review board prior to any formal investigative reviews. It is equally important that, over time, officers be made aware of the progress of the investigation in a timely fashion.
- B. Officer-involved shooting and other critical-incident investigations are complex and may involve an array of law enforcement and other government agencies. Continued communication among all parties throughout the course of an investigation protects involved officers by mitigating misunderstandings and conflict among the different interests and concerns. While investigations are pending, supervisors should maintain regular contact with involved officers and keep them apprised of any pertinent developments.

## **XII. Administration:**

- A. Shootings and other critical incidents can result in heightened physical and emotional reactions for the participants that require a brief respite from work to marshal natural coping skills and manage the emotional impact of the incident prior to a return to duty.
- B. For those officers directly involved in a death or serious injury to another person, a minimum of three (3) days leave, using either administrative leave or regular days off, will be granted.

- C. Personnel who were present at the scene but, for example, did not discharge their weapons may in some cases, be placed on administrative leave.
- D. Administrative leave is a routine procedure and not a disciplinary suspension.
- E. While officers may be asked to provide pertinent information soon after a shooting or other critical incident to aid the initial investigative process, whenever feasible, officers will have some recovery time before providing a full, formal statement. Depending on the nature of the incident, and the emotional and physical status of the officer, this can range from a few hours to several days.

**XIII. Critical Incident Intervention:**

- A. Post-shooting and other critical-incident interventions should be conducted only by licensed mental health professionals trained and experienced in working with law enforcement personnel and familiar with officer-involved shootings and other critical incidents.
- B. Officers are required to participate in one individual post-shooting (or other critical-incident) intervention with a qualified mental health professional so they can, at a minimum, be provided with basic education and coping skills to better manage their reactions. **It is not mandatory for them to discuss the event with the mental health professional.**

- XIV. Media:** Due to the overwhelming presence of social media, involved officers should be reminded of the risks to their presence on social media, as there may be negative comments/postings/blogs. They should further be reminded that viewing media and/or news through the television and web-based postings may complicate post-incident thoughts and emotions.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**30. Mobile Video Recorder (MVR)**

**XIII.Purpose:** The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of Mobile Video Recorders (MVR) as well as directing how video will be utilized as a quality control mechanism and evidence.

**XIV. Policy:** The policy of this Department is to provide officers with MVR devices in an effort to enhance the officers' ability to detect and prosecute criminals.

**XV. Procedures:** It is the intent of this policy that all officers who will be using a vehicle outfitted with MVR equipment shall be trained on the manner in which the MVR shall be tested, maintained and used.

- A.** It shall be the responsibility of each individual officer to test the MVR equipment at the beginning of each tour of duty. In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair.
- B.** Except when MVR equipment unforeseeably does not function, all motor vehicle stops or street encounters conducted by officers using Department vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR functions.
- C.** The recording shall begin no later than when the officer first signals the vehicle to stop or arrives at the scene of an ongoing motor-vehicle stop initiated by another law enforcement officer or when the officer initiates a street encounter or arrives at a street encounter initiated by another officer.
- D.** The recording shall continue until the motor-vehicle stop or street encounter is completed and the stopped vehicle or the citizen involved in the street encounter departs or until the officer whose cruiser has MVR equipment discontinues his or her participation in the stop or encounter by leaving the scene.
- E.** The recording shall include searches of any kind, to include; K-9 searches of vehicles, arrests of any persons, operators or occupants of vehicles and the issuance of violations.
- F.** All officers involved in pursuits in any capacity shall utilize the MVR throughout the pursuit.
- G.** All transports shall be recorded with audio and, to the degree possible, video.
- H.** If an officer, whose vehicle has MVR equipment, participates in a transport, pursuit, traffic-stop or street encounter is aware that the event was not recorded using the MVR equipment, the officer shall immediately notify the dispatcher that the stop was not recorded and should notify the sergeant as to the reasons why the stop was not recorded. The notification to the sergeant shall be in writing and shall be forwarded through the chain of command to the Lieutenant of the division the officer is assigned.

**XVI. Electronic Storage:**

- A. Original digital files from MVR will be downloaded and stored on a designated network server or other electronic storage.
- B. Officers who do not have access to download MVR video/audio files should notify their sergeant so the sergeant can download any video/audio files before the end of each shift.
- C. Non-evidentiary video/audio recordings will be maintained in the network server for a period of time as designated by the Chief of Police unless it has been determined that such video/audio constitutes a public record, in which case the video/audio shall be maintained in accordance with the state records retention act.
- D. MVR video/audio recordings determined to be evidentiary in any criminal or civil proceeding shall be copied to the designated drive or other media and handled in accordance with agency regulations regarding electronic evidence or work product. Recordings will be maintained until the case is adjudicated and the time for all appeals has been exhausted. If the case is declined for prosecution, the media will be maintained as part of the case file in keeping with laws related to records retention.
- E. This agency will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.
- F. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency is strictly prohibited without specific authorization of the Chief of Police or its designee.
- G. Malicious destruction or deletion of video and audio files is prohibited.
- H. All video and audio files are subject to open records request as allowed by state law.
- I. Electronic media will be stored in a manner designated by the agency.
- J. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action or per Nebraska State Statute requirements.
- K. Electronic media is subject to review by the Chief of Police or its designee.
- L. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Chief of Police or its designee.

**XVII. MVR Evidentiary/Administrative Procedures:**

- A. When an officer becomes aware that an MVR recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this Department.

- B. When an MVR related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server and disseminate per Department procedures.
- C. Where there is any indication that the MVR may contain “*Brady*” material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy (Policy 4.13) of this Department.
- D. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or its designee through the process of evidentiary discovery and/or proper public records request.

**XVIII. Supervisory Responsibility: Video Recordings/DVD Cassette:**

- A. First-line supervisors should review a recorded event of each officer under his or her supervision at least twice per month. The supervisor will log this review in the “video review database” (database to be implemented by Data Processing under the officer’s name). Thus, each officer should have at least two notations of review in any given (30) thirty-day period.
- B. Supervisors should use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the stop reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop, as well as any other supervisory observation relative to performance.
- C. If, upon review, the supervisor finds that corrective action is necessary regarding an officer’s conduct, the direct supervisor may take the necessary action and bring the matter to the attention of his/her direct supervisor. In such cases, a special MVR review schedule should be implemented with respect to that particular officer for a set duration in order to ensure compliance with the corrective action.
- D. In cases of median and serious infractions requiring disciplinary actions, the Chief of Police or its designee, after review of all information regarding the incident, shall determine the proper disciplinary action. In such cases, special MVR review schedule shall be implemented with respect to the particular officer for a set duration in order to ensure compliance with the corrective action.
- E. When a peace officer makes a video of any transaction covered by this policy and a citation is issued or an arrest is made, the peace officer shall note on the uniform citation that a video recording has been made of the transaction.

**XIX. Recording of Juveniles and Release of Materials:**

- A. Access to a person's juvenile crime records is much more restricted than access to adult crime records. Most juvenile crime records are confidential and access will be denied to the public and media. Access to juvenile records is usually only granted to certain persons and organizations such as: local, state and federal law enforcement, prosecutors, Cpcourt officials, parents, and the juvenile's attorney. Recordings that

capture criminal activity involving juvenile offenders will not be released to media or the general public.

- B.** No recordings of juveniles captured through the use of the Department's BWC/MVR will be released to the public or the media; this includes, but is not limited to, images and voice recordings of juvenile victims and juvenile witnesses.
- C. School Resource Officers (SRO):** Students are protected from release of records by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. SRO's that capture video and audio recordings of students during educational and extra-curricular school activities are subject to FERPA.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **31. Use of Force**

- I. Purpose:** The purpose of this policy is to direct officers in the appropriate use of force.
- II. Policy:** The policy of this Department is to protect and serve all citizens, while at the same time respecting the rights of suspects and balancing the need for officer safety in use-of-force events. It is the policy of this Department that officers will use only reasonable force to bring an incident or event under control. Reasonable force is only that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable. The Department and all officers recognize that the sanctity of human life serves as the guiding principle in use-of-force decisions.
- III. Definitions:**
  - A. Deadly Force:** Any force that creates a substantial risk of causing serious bodily harm or death.
  - B. Non-Deadly Force:** Any use of force that is not likely to cause serious bodily harm or death.
  - C. Imminent:** Has a broader meaning than immediate or instantaneous. The concept of imminent should be understood to be elastic, involving an ongoing period of time depending on the circumstances rather than a moment in time under the definition of immediate.

- D. **Immediate:** The officer is faced with an instantaneous, or presently occurring threat of serious bodily harm or death.
- E. **Carotid Restraint Control Hold:** Utilizing bilateral pressure to the sides of a person's neck, restricting the flow of oxygenated blood to the brain.
- F. **Chokehold:** Intentionally applying pressure to the front of the throat and cutting off air flow for a sustained amount of time
- G. **Intervene:** To come between, whether verbally or physically, so as to prevent or alter a result or course of events.
- H. **De-escalation.** Force can often be avoided through the use of de-escalation techniques and other non-dynamic law-enforcement tools such as police presence, containment, and communication. When feasible, officers will use de-escalation and other techniques to reduce the immediacy of threats to peoples' safety and stabilize incidents. Whenever possible, officers will seek to slow things down. Not every situation or subject can be deescalated. Conversely, officer behavior can escalate a situation. Officers should not intentionally escalate situations unnecessarily.
- I. **Duty of care:** Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured as a result of police-involved actions.
- J. **Positional asphyxia.** Officers restraining a subject should be cognizant of and avoid positional asphyxia. Positional Asphyxia can lead to respiratory distress and even death when subjects are left in the prone position for extended periods of time. This agency prohibits prolonged face-down prone restraint.
- K. **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented with.

- L. Reasonable Belief:** The person concerned, acting as a reasonable person, believes that the prescribed facts exist.
- M. Serious Bodily Harm/Injury: (18 U.S.C. § 1356 (h) (3)):** Bodily injury which involves:
  - a. A substantial risk of death;
  - b. Extreme physical pain
  - c. Protracted and obvious disfigurement; or
  - d. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- N. Active Resistance:** Any affirmative step undertaken by a subject in an effort to defeat the officer's ability to establish custody or control. A subject actively resists when they, through passive, defensive, or aggressive actions, take affirmative action to defeat an officer's ability to take them into custody.
- O. Active Aggression:** Behavior that creates an imminent risk of physical injury to a subject, officer, or third party, but may not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include but are not limited to an attack on an officer consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples may also include words or behavior such as pre-assault cues that clearly indicate that such an attack or actions are imminent.
- P. Excessive Force:** Force that is not objectively reasonable from the perspective of a reasonable officer in the same circumstances. This agency prohibits excessive force and excessive force will not be tolerated.
- Q. Conducted Energy Weapons (CEW's):** Electronic Control Devices, TASER,™ that disrupt the central nervous system of the body.

#### **IV. Procedures:**

- A.** In determining the appropriate force option(s) the officer shall consider the following three factor test:
  - a. How serious is the offense the officer suspected at the time the particular force used?;
  - b. What was the physical threat to the officer and/or others?;
  - c. Was the subject actively resisting or attempting to evade arrest by flight?
- B. Nebraska Statutory Law Provides:**
  - a. The use of force upon or toward the person of another is justifiable when the officer is making or assisting in making an arrest and the officer reasonably, without recklessness or negligence, believes that such force is immediately necessary to effect a lawful arrest.

**b. The use of force is justifiable under the law when:**

1. The officer makes known the purpose of the arrest or believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and
2. When the arrest is made under a warrant, the warrant is valid or believed by the actor to be valid.

**c. The use of deadly force is justifiable under the Nebraska law if:**

1. The arrest is for a felony;
2. The officer making the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer;
3. The officer believes that the force employed creates no substantial risk of injury to innocent persons; and
4. The officer believes that:
  - (a) The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
  - (b) There is a substantial risk that the person to be arrested will cause death or serious bodily harm if their apprehension is delayed.

**d. The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily harm upon himself, committing or consummating the commission of a crime involving or threatening bodily harm, damage to or loss of property or a breach of the peace, except that:**

1. Any limitations imposed by the other provisions of Nebraska Revised Statute §28-1406 through §28-1416 on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used; and
2. The use of deadly force is not in any event justifiable under this subsection unless:
  - (a) The actor believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily harm to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or

- (b) The actor believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.
  - e. The use of deadly force to prevent the escape of an arrested person from custody is justifiable when the force could justifiably have been employed to effect the arrest under which the person is in custody.
- C. **Deadly Force:** The use of deadly force is objectively reasonable when:
  - a. The officer is faced with an immediate threat of serious bodily harm or death to him/herself, or some other person who is present, or;
  - b. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape, he/she poses an imminent threat of serious bodily harm or death to another.
  - c. Officers should warn the subject prior to using deadly force where feasible.
- D. Once the subject's active resistance has ceased and control has been gained, an officer is no longer authorized to use force. Officers should immediately provide any necessary medical assistance to the subject to the degree to which they are trained and provide for emergency medical response where needed.
- E. **Chokeholds & Neck Restraints:**
  - a. Except when the use of deadly force is authorized, a law enforcement officer shall not intentionally use a chokehold on any person.
  - b. A law enforcement officer shall not intentionally use a carotid restraint control hold on any person unless: Either:
    - 1. The officer reasonably believes that the person will otherwise cause death or serious bodily injury to any person, including a law enforcement officer or noncertified conditional officer;
    - 2. The person is actively resisting arrest in a manner that poses a risk of serious bodily injury to the officer or any other person; or
    - 3. Deadly force is otherwise authorized; and
    - 4. The officer has been trained on the use of such hold.
  - c. Following use of a carotid restraint control hold, a law enforcement officer shall create a report of the incident that articulates in detail the events leading to and following the use of such hold.
    - 1. In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers shall not use a chokehold, neck restraint or any lesser contact with the throat or neck

area of another in order to prevent the destruction of evidence by ingestion.

2. Officers shall 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 for the purpose of seizing evidence.

**F. Render Medical Aid:** Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.

a. As soon as the subject stops resisting and is handcuffed and/or under control, monitor the person's vital signs closely. Take the following steps:

1. Roll the person onto his or her side, or into a sitting position;
2. Monitor breathing;
3. Check the pulse at the wrist;
4. Check the person's facial skin color (a gray or blue tint is a sign of severe medical distress);
5. Determine if the person is functionally conscious (e.g., the person can exhibit voluntary movement, has the ability to converse, is aware of place/date/time);
6. If the person has difficulty breathing, is not at a functional level of consciousness, exhibits symptoms of medical distress, or if you have any doubt regarding the person's medical condition, request a rescue unit and administer appropriate first aid;
7. If the person is being lodged at a correctional facility or taken to a medical facility, advise them if the person was rendered unconscious or subjected to a chokehold or neck restraint during restraint.

**G. Force Options:** Officers have several force options that will be dictated by the actions of the suspect upon the appearance of the police officer. Officers may be limited in their options due to the circumstances and actions of the subject. For example, an officer who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.

- a. **Officer Presence:** Visual appearance of the officer where it is obvious to the subject due to the officer's uniform or identification that the officer has the authority of law.
- b. **Verbal Direction:** Words spoken by the officer directing the subject as to the officer's lawful expectations.

- c. **Soft Empty-Hand Control:** Officer's use of hands on the subject to direct the subject's movement; Techniques that have a low potential of injury to the subject.
- d. **Conducted Energy Weapons (CEW's):** Where subject exhibits some level of active resistance/active aggression an officer may use a CEW to temporarily incapacitate the subject. This includes the prevention of self-harm by the subject. Options utilized by this Department include the TASER and the BOLAWRAP.
- e. **Hard Empty-Hand Control:** Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction.
- f. **Intermediate Weapons:** Batons, ASP/Expandable Baton may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where, based on the officer's perception at the time, the other options would not be sufficient and deadly force is not justified.
- g. **Deadly Force:** Any force that creates a substantial likelihood of causing serious bodily injury or death.

#### H. **Discharge of Firearms Restrictions:**

- a. Warning Shots are prohibited.
- b. Discharge of firearms is prohibited when the officer is presented with an unreasonable risk to innocent third parties.
- c. When a moving vehicle is involved, use of deadly force by discharging a firearm is dangerous, can be ineffective, and should not occur when there is an unreasonable risk to the safety of persons other than the subject. Purposely firing a firearm in the direction of another person or at a vehicle in which another person is believed to be constitutes deadly force. Officers shall avoid placing themselves in a position where use of deadly force is the only alternative.
- d. Even when deadly force is justified, firearms shall not be discharged at a vehicle unless:
  1. The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or
  2. The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
  3. Officers shall consider the potential threat to innocent third parties under such circumstances.

- I. **Less-Lethal Weapons/Tactics:** Prior to deployment of any less-lethal weapon, officers must be trained and certified in the proper use of the weapon from both the technical and legal aspects. All deployments must be consistent with Departmental use-of-force training and policy.

- a. **Conducted Energy Weapons (CEW)**

- 1. CEWs may only be used by authorized and trained personnel. **See Taser/BolaWrap Policy**

- b. **Impact Weapons:** Batons, ASP/Expandable Baton

- 1. Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control.
- 2. Examples would be where other options have been utilized and failed or, where based on the officer's perception at the time, the other options would not be sufficient and deadly force is not justified.
- 3. Officers shall not intentionally strike a person with an impact weapon where it would create a substantial likelihood of causing serious bodily harm or death, unless the use of deadly force would be justified.

**V. Duty to Intervene:**

- A. **Use of Force:** in accordance with the Department's **Duty to Intervene** policy, Officers of this Department have an affirmative duty to intervene if they witness a use of force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.

**See Duty to Intervene Policy.**

**VI. Reporting Control to Active Resistance:**

- A. **Purpose:** It is the purpose of this policy to provide police employees and supervisors with guidelines for reporting use of force. The Department utilizes a Use-of-Force Report to capture all required information described in this policy.
- B. **Policy:** Police officers are given the authority to use force to overcome a subject's resistance to the officer's order to comply, effect arrest, defend against assault, and prohibit flight. This policy mandates that members of the Department accurately report any use of force greater than soft empty-hand control and that a supervisor conducts a prompt investigation and reports the investigative findings.

**VII. Definitions:**

- A. Reportable Use of Force:** The following reportable force options used by an officer to compel compliance from a subject in conformance with the officer's official duties, whether on or off duty or while employed in an off-duty paid detail, including:
- a. Chemical Agents:** Use of any chemical agent to overcome subject resistance.
  - b. Physical Force:** Use of force greater than soft empty-hand control.
  - c. Electronic Tools:** Use of any electronic equipment on a subject being controlled.
  - d. Hard Empty-Hand Control:** Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction.
  - e. Intermediate Weapons:** Batons, ASP/Expandable Baton may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would be ineffective.
  - f. Pointing of Firearms:** Any time an officer points a firearm at an individual, notwithstanding the fact that deadly force is not ultimately deployed. This does not include drawing a firearm and maintaining at the low-ready position during searches, etc.
  - g. Firearms discharges:** Any discharge of a firearm other than at the range or during qualification whether unintentional, for animal dispatch, or whether a subject is hit or not, will be reported in a separate manner consistent with these policies.
  - h. Canine use:** Use of a police canine will be reported on a special form to capture any form of use whether there is contact with a subject or not.
  - i. Deadly Force:** Force that creates a substantial likelihood of causing serious bodily harm or death.
  - j. Injury or complaint of injury:** Any time the subject being controlled is injured or complains of an injury. This shall not include minor pain from handcuffs.
- B. Procedures:**
- a.** Officers who become involved in an incident that required any reportable force option are required to immediately notify their supervisor. The involved officer will provide a detailed documentation of the use of force utilized in the official police report prepared for the incident involved.
  - b.** A Use-of-Force form shall be prepared by the officer and reviewed by a supervisor whenever an officer of this agency utilizes reportable force, as described in the definition of this policy, in the performance of their duties.
  - c.** The Use-of-Force form will be completed in detail including a narrative account of the following:

1. The actions of the subject that necessitated that use of force as a response to overcome the active resistance of the subject.
2. The reasons why force was required and the type of force the officer utilized in overcoming the resistant subject. This should be a detailed, step-by-step account of the incident.
3. Any injuries or complaint of injuries of either the subject or the officer and any medical treatment received.

**C. Supervisory Responsibilities:** Once notified of an incident in which an officer has utilized force, the supervisor, to the extent that one is available, will immediately respond to the scene to investigate the incident. If the involved officer's supervisor is not available to respond, another supervisor will be dispatched. The supervisor will accomplish the following investigative steps in conducting the investigation:

- a. Interview the involved subject, if they are cooperative, to determine his/her account of the incident. If he/she expressly indicates he/she has a complaint, the supervisor shall complete an investigation if warranted. If he/she has any type of injury, EMS or medical personnel will be notified. Additionally, should the supervisor determine that unreasonable force was utilized, the Chief of Police or its designee will be notified and assume control of the investigation.
- b. If a crime scene exists or police equipment exists, which may contain forensic evidence, the supervisor shall ensure that the scene and evidence is processed, photographed and preserved.
- c. Take photographs of the involved officer(s) and subject(s) depicting any potential injuries or documenting the lack of any injuries to the parties involved.
- d. Interview, preferably recorded, all witnesses to the incident and document their description of the event.
- e. Ensure that a qualified health care provider handles any injuries or other medical condition being experienced by the involved person(s).
- f. The supervisor shall review any video recording of the incident, if available, prior to the completion of the Use-of-Force Review and the approval of the officer's reports.
- g. The supervisor investigating the use of force shall be responsible for the review and approval of the officer's reports of the incident.
- h. The supervisor will complete the Use-of-Force Response to Resistance Form prior to completing their shift and submit it along with the officer's report to their chain of command for review.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 32. Conducted Energy Weapon, Taser

**VIII. Policy:** Conducted Energy Weapons (CEWs) may only be used by authorized and trained personnel in accordance with the Use of Force Policy and any additional established guidelines.

**IX. Purpose:** The purpose of this policy is to provide guidance and direction on the use of CEWs

**X. Definitions:**

**A. Conducted Energy Weapon (CEW):** A device designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

**B. Drive Stun:** An alternate deployment method for CEW. The application of a drive stun involves direct contact of an activated CEW with the body of a subject. The drive stun causes significant localized pain in the area touched by the CEW, but does not have a significant effect on the central nervous system.

**C. Anti-Felon Identification (AFID):** Confetti-like pieces of paper that are expelled from the CEW cartridge when fired. Each AFID tag contains an alphanumeric identifier unique to the cartridge used. The AFID is a component of the CEW cartridge.

**XI. CEW Risks:**

**A. Cumulative Effects:** CEW exposure causes certain effects, including physiology and metabolic changes, stress, and pain. Repeated, prolonged or continuous CEW applications may contribute to cumulated exhaustion, stress, cardiac, physiologic, metabolic, respiratory and associated medical risks and would increase the risk of death or serious injury. Minimize repeated, continuous or simultaneous exposures.

**B. Cardia Capture:** CEW exposure to the chest area near the heart has a low probability of inducing extra heart beats, (Cardiac Capture), which could lead to a cardiac arrest. When possible, avoid targeting the frontal chest area near the heart. It is more likely in children and thin adults because the heart is usually closer to the CEW delivered discharge (dart-to-heart-distance). Serious complications could

also arise in those with impaired heart function or in those with an implanted cardiac pacemaker or defibrillator.

## **XII. CEW Risk Reduction:**

- A. Minimize the number and duration of CEW exposures:** Use the shortest duration of CEW exposure objectively reasonable to accomplish the law enforcement objectives and reassess the subject's behavior. If CEW deployment is ineffective in incapacitation of a subject or achieving compliance, consider alternative control measures in conjunction with or separate from the CEW.
- B. Avoid simultaneous CEW exposures:** Do not use multiple CEWs or multiple completed circuits at the same time without justification, which could have cumulative effects and results in increased risks.
- C. Control and restrain immediately:** Begin control and restrain procedures, including during CEW exposure (cuffing under power) as soon as reasonably safe and practical to minimize CEW cumulative effects and the total duration of exertion and stress experienced by the subject.

## **XIII. CEW Effectiveness:**

- A.** Like any weapon or force option, a CEW does not always function as intended and is not effective on every subject. If the CEW is not effective, consider using other force options or disengaging.
- B.** CEW may be limited by many factors, including the inability to deliver an electrical charge due to missed dart(s), clothing disconnect, intermittent connection or wire breakage, probe locations or spread, and subject's muscle mass or movement.

## **XIV. Procedures:**

### **A. Authorized Users:**

- 1.** Only personnel (police officers and special services officers/SSO), who have satisfactorily completed the Alliance Police Department approved training, shall be authorized to carry and deploy CEWs. Verifications of previous certifications may be accepted upon review by CEW instructor and the Chief of Police or its designee.
- 2.** Personnel obtaining an authorized user status will be re-certified annually.

**B. CEW Readiness:**

1. The CEW shall be carried in a department approved holster.
2. The CEW shall be carried fully armed with the safety on in preparation for immediate use when authorized and justified.
3. Personnel authorized to use the CEW shall wear it on the weak-side in either a weak-hand draw or a cross-draw position.

**C. Deployment:**

1. The CEW is generally analogous to oleoresin capsicum (OC) spray on the use of force continuum level of control as an intermediate weapon, and decisions to use a CEW involve the same basic justification. Personnel will comply with the Department policy on Response to Resistance when determining the deployment of the CEW. As such, it is forbidden to use the CEW as follows:

- A. In a punitive or coercive manner.
- B. On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less-intrusive fashion.
- C. On any suspect who does not demonstrate an overt intention;

To use violence or force against personnel or another person, or

Flight from authorized personnel, standing alone is not a justification for the use of a CEW. Authorized personnel may consider a number of factors, such as; the nature of the offense suspected as well as the level of active resistance with respect to a fleeing suspect and the risk of danger to others and/or property if the person is not apprehended immediately, to justify the use of a CEW;

- D. In any environment where authorized personnel know that a potentially flammable, volatile or explosive material is present (including but not limited to, methamphetamine labs, OC spray with volatile propellant, gasoline, natural gas or propane);

- E.** In any environment where the subject is in an elevated position (tree, roof, ladder, ledge, balcony, porch, bridge, or stairs) such that when incapacitated by the CEW they fall down causing collateral injury from the secondary impact which may cause serious injury.
- 2.** As in all uses of force, certain individuals may be more susceptible to injury. Authorized personnel should be aware of the greater potential (or risk) for injury when using a CEW against children, the elderly, persons of small stature irrespective of age, or those who authorized personnel have reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
- 3.** Upon firing the CEW, authorized personnel shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate use of force response to resistance or custodial objective.
- 4.** The subject should be handcuffed as soon as practical while disabled by CEW power to minimize the number of deployment cycles (Cumulative Effects). In determining the need for additional energy cycles, authorized personnel should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- 5.** Fixed sights should be used as the primary aiming device and the dual laser as the secondary aiming device.
- 6.** Authorized users may use the function of the Arc Switch to demonstrate to the subject the willingness to use the CEW, as long as the use-of-force justifications are present to display the CEW and the subject's behavior is not de-escalating.
- 7.** In preparation for firing, the CEW should be pointed in a safe direction, and if tactically safe to do so, taken off safety and then aimed by primary and secondary sights. The preferred targeting is center mass of the subject's back; however, it is recognized that it is not always possible to get behind a subject. Frontal targeting should be lower center mass, while trying to avoid targeting the frontal chest area near the heart. Ideal frontal targeting should be the lower torso and upper leg areas, to (split the beltline).
- 8.** The CEW may also be used in certain circumstances in a "drive stun" method. This involves pressing the CEW against the appropriate area of the body based on training and using the Arc Switch as the primary method to deliver a drive stun. It is important to note that when the CEW is used in this manner, it is:

- A.** Primarily a pain compliance tool;
  - B.** Potentially ineffective on emotionally disturbed persons or others who may not respond to pain due to mind-body disconnect;
  - C.** Advisable to avoid repeated drive stuns on individuals if compliance is not achieved;
  - D.** More likely to leave marks on the subject's skin;
  - E.** Is subject to the same deployment (use) guidelines, level of control and restrictions as those of the CEW in cartridge deployments.
- 9.** The CEW shall be pointed into the clearing barrel with the safety on during loading, unloading, or when handled in other than an operational deployment. In or during an operational deployment, the CEW shall be pointed at the ground, in a safe direction with the safety on during loading and unloading, if tactically safe to do so.
- 10.** After any deployment, the CEW shall be brought to the CEW maintenance officer to download any appropriate reports from the CEW.

**D. Aftercare:**

- 1.** A CEW may cause injury as a result of the probe or electrical charge. The nature and severity of these effects depend on numerous factors including the area of exposure, method of application, individual susceptibility and other circumstances surrounding CEW use, exposure and aftercare.
- 2.** All subjects should be evaluated by EMS following exposure to a CEW, particularly if they are injured or report an injury after the CEW deployment, are pregnant, elderly, have a pre-existing medical condition or they are a juvenile. Generally, after a deployment, the subject will likely be taken into custody and therefore the officer should maintain custody throughout the aftercare process. If the probes are not in a sensitive area, can be removed easily by officers, and there are no other factors indicating a need for medical treatment, evaluation by EMS may not be necessary. In this case, a simple band-aid is usually sufficient.
- 3.** The CEW darts should be removed from the subject by medical personnel in case of embedment, organ or bone penetration, barb detachment or in

sensitive areas such as the face, throat, breast and groin area. Authorized and trained personnel may also remove darts, by using appropriate biohazard protocols and isolation procedures, out of the areas listed above. Removal of the dart should be done after the subject is restrained and tactically safe, following the procedures outlined during CEW training.

4. Photographs and/or body camera video of the affected area should be taken before and after the darts are removed, as well as other related injuries, as long as it is tactically safe to do so.
5. When a CEW has been deployed, authorized personnel shall collect the cartridge, wire leads, darts and multiple AFIDS as evidence.
6. Deployed probes that have been removed from a subject should be treated as a biohazard.

#### **E. Reporting:**

1. Anytime, and as soon as it is tactically safe to do so, authorized personnel deploying a CEW shall notify the communications center that a CEW deployment has taken place and ask that a supervisor be contacted.

Authorized personnel shall specifically articulate the rationale for deploying a CEW in their written report and their use of force report prior to going off shift.

#### **F. Supervisor Responsibilities:**

1. Once notified of a CEW deployment in which authorized personnel has utilized force during an operational deployment, the supervisor should immediately respond to the scene to investigate the incident. The supervisor shall notify the chain of command as soon as possible. If a CEW deployment is accidental and in a non-operational situation, a supervisor may handle the situation by the phone and then notify the chain of command.
2. The supervisor shall ensure that all evidence at the scene is photographed, processed and collected as evidence, review any video recording evidence of the incident and complete a review of the use of force.

**All deployments of a CEW involving a subject will be reviewed by the supervisor on scene and then forwarded to the Chief of Police or its designee.**

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **33. Crowd Control**

- I. Purpose:** The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations, large gatherings, and the handling of civil disturbances.
- II. Policy:** It shall be the policy of this Department to provide an effective law enforcement presence at assemblies and gatherings in a posture that guarantees the constitutional rights of participants and promotes an orderly, lawful demonstration in the best interest of public safety and community harmony.
- III. Definitions:**
  - A. Civil Disturbance:** An unlawful assembly, as defined by state statutes and local ordinances. Normally, a gathering that constitutes a breach of the peace or an assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. These are typically, but not always, spontaneous occurrences requiring the emergency mobilization of police forces and related emergency services.
  - B. Demonstration:** A legal assembly of persons organized primarily to express political or other views. These are typically scheduled events that allow for prior police planning. They include but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, the media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events, festivals, concerts, and related events, these are not defined as demonstrations.
  - C. Crowd Control:** Techniques used to address unlawful public assemblies, to include a show of force, crowd containment and dispersal equipment and strategies, and preparations for multiple arrests.
  - D. Crowd Management:** Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as accomplished through event planning, pre-event contact with group leaders, and issuance of permits, intelligence gathering, personnel training, and other means.

- E. Mobile Field Force (MFF):** A platoon of police officers and sergeants, usually led by a lieutenant, to provide a rapid, organized, and disciplined response to civil disorder, crowd control, or other tactical situations. A MFF usually consists of six to eight squads and is supplemented by specialized units such as Canine or Mounted as appropriate. For the purposes of this Department MFF would be provided by the Nebraska State Patrol.

#### **IV. Procedures:**

- A. Crowd Management Response Team (CMRT):** In order to accomplish this goal, the Department will work with partner agencies to establish a Crowd Management Response Team, (CMRT). The goal of the CMRT is to provide a cadre of trained personnel, who develop the skills and expertise to diffuse emotionally-charged individuals and crowds and facilitate their right to demonstrate while at the same time preventing the demonstration from escalating into a confrontation that threatens the safety of the demonstrators or the general public. The Department will use techniques consistent with the Incident Command System or the National Incident Management System.

The CMRT will allow the Department to effectively coordinate the deployment of police resources to deal with emotionally-charged crowd situations. The CMRT concept seeks to provide a comprehensive operational and tactical response to spontaneous and preplanned demonstrations which may involve controversial social, political, economic, religious and other issues which often involve emotionally-charged but non-violent demonstrators.

Whenever possible, the Department will serve as facilitators in these types of demonstrations, ensuring that they are orderly in nature, while maintaining law enforcement impartiality and sensitivity to the dynamics of the demonstration. As a facilitator, the agency will seek the inclusion of responsible community leaders, media representatives, and concerned individuals and groups whose collective expertise may be channeled to achieve the lawful assembly of such demonstrations with minimum disruption to the general public.

- B. CMRT Training:** The Department will work with partner agencies and provide training in the following areas:
  - a.** Tactical handling of spontaneous incidents;
  - b.** Tactical handling of pre-planned Incidents
  - c.** Personnel issues;
  - d.** Coordination with the Mobile Field Force Concept;
  - e.** Use-of-force issues;

- f. Use of less lethal weapons, chemical agents, fire hoses, and electronic control weapons;
- g. Arrest techniques for passive demonstrators;
- h. Use-of-arrest teams;
- i. Close-quarter defensive tactics;
- j. Handgun retention;
- k. Human diversity awareness and group sensitivity;
- l. First Amendment issues;
- m. Creation of First Amendment zones;
- n. Critical incident management training;
- o. After-action reports; and
- p. Other training as deemed appropriate.

**V. Civil Disturbances:** Officers will preserve the peace, protect life and prevent the destruction of property, and remain impartial to all parties in a demonstration. Officers may take appropriate enforcement action when a demonstration violates the provisions of the State of Nebraska laws. Officers will notify supervisors when such demonstrations take place whenever they become aware of a demonstration and the on-duty CMRT will be dispatched to assess the situation and coordinate an effective response in concert with the Incident Commander.

- a. **Responding Officer:** The first officer(s) on the scene of a civil disturbance will observe the situation from a safe distance, notify the dispatch of the seriousness of the situation, notify a supervisor as soon as practicable, request partner agencies and the CMRT to respond, and attempt to identify, by observation, the leader of the group.
- b. **Incident Commander:** The responding supervisor will assume command of the incident until relieved by a higher authority. Supervisors will assess the situation; consult with the responding partner agencies and CMRT supervisor to determine the appropriate response, establish a command post, inform dispatch of the crowd size, mood, weapons involved and any property destroyed, injuries, and deploy necessary traffic control in the area.
- c. **Riots:** When the Incident Commander and the CMRT supervisor have determined that the crowd has become violent and destructive requiring additional police action, the MFF will be deployed. The MFF commander will assume command of the incident, and when an adequate number of personnel are in place, issue a dispersal order to the crowd via the public address system, establish a time limit for dispersal, and when necessary, order the use of MFF tactics to restore order and disperse the crowd. Where feasible, an officer should be positioned at the rear of the crowd to ensure demonstrators at the rear of the assembly can hear the dispersal order and be

given adequate time to comply and disperse. The officer will communicate with the Incident Commander when the warning is heard. This officer will file a written report and forward it to the Incident Commander. When necessary, order the use of MFF tactics to restore order and disperse the crowd.

**d. Mutual Aid:** Requests for mutual aid will be governed by compliance with Nebraska Revised Statute §81-829.48

**VI. Mobile Field Force:** An MFF will be led by the Nebraska State Patrol in conjunction with Incident Command. An MFF is normally deployed for the following assignments:

- A.** To rescue police officers under hazardous conditions;
- B.** To apprehend multiple offenders, i.e. looters;
- C.** To isolate areas of civil disorder or disaster by the use of large, organized perimeters;
- D.** To control or disperse unruly crowds; and/or
- E.** Other assignments as required.

**VII. Use of Force/Response to Active Resistance Reporting and Investigation:**

Established use-of-force response to active-resistance reporting of this Department is equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and reporting use of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. As such, this agency's internal affairs or professional standards unit shall comply with the following protocols during such events:

- A.** A member of the internal affairs (IA) unit, as appropriate, shall be assigned to the command post of the Incident Commander during a mass demonstration or civil disturbance to coordinate and record force-related information and complaints.
- B.** The IA team will review all incidents of use of force and investigate all complaints of excessive force. The IA team should be prepared to deploy quickly to a serious use-of-force incident and initiate an investigation as soon as practicable when a complaint is generated.
- C.** The IA team shall have full access to all video and photographic records documenting police and crowd actions.
- D.** The IA team will complete a comprehensive after-action report describing the use of force deployed during the event.
- E.** The IA team shall have full access to all video and photographic records documenting law enforcement and crowd actions.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 34. Transportation and Restraint of Prisoners

- I. **Purpose:** To establish guidelines for the reasonable and safe transportation and restraint of prisoners.
- II. **Policy:** Transportation and restraint by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Two general time periods are involved. The first is immediately after arrest, when the arrestee is taken to an agency's holding facility for booking, processing and short-term holding. The second concerns the movement of prisoners from the holding facility to a hospital or other medical facility; to court; to attend a funeral or visit a seriously ill relative; to other facilities; and for other reasons. Regardless of the reason for the transportation of prisoners, potential hazards are always present. Therefore, it is the policy of this Department to establish uniform procedures that provide adequately for the safety and security of prisoners, transporting officers, and the public during prisoner transport.
- III. **Definitions:**
  - A. **Contraband:** Articles or substances prohibited from the possession of prisoners.
  - B. **Handicapped Prisoner:** A prisoner with an anatomical, physiological, or mental impairment that hinders mobility.
  - C. **Prisoner:** A person who has been arrested and/or taken into custody.
  - D. **Proper Search:** The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband, such as narcotics, narcotic paraphernalia and implements which may facilitate an escape from custody or confinement. A proper search shall be conducted in accordance with federal and state constitutions and statutes and be consistent with this Department's policy on searches.
  - E. **Restraining Devices:** Equipment such as handcuffs, flex-cuffs, leather restraint belts, leg irons, hobble devices, and maximal restraint tools, used to restrain the movement of the prisoner.

- F. Security Hazard:** Any threat to the security of the prisoner, to the facility in which the prisoner is held, or to others with whom the prisoner may come into contact. Estimations of the degree of the security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by Department personnel to provide proper protection for, and security of, the prisoner.
- G. Transporting Officer:** A Department employee who is responsible for transporting a prisoner from one point to another.
- H. Transportation Operations:**
- a. Vehicle Inspection:** At the beginning and end of each shift, all vehicles regularly used for prisoner transport shall be inspected by the Department member assigned to that vehicle to determine that all safety devices are in working order and that the interior is free of weapons and contraband.
  - b.** Prior to placing a prisoner in a vehicle for transport or detention, the officer shall inspect the interior for weapons and contraband. An additional inspection shall be conducted after the prisoner has been delivered to the detention facility or other destination.
  - c.** Officers shall utilize audio and video recording devices throughout the entire transport where such equipment is available.
- I. Restraining Devices:**
- a.** Officers shall use only those restraining devices for which they have been trained.
  - b.** With few exceptions, all prisoners shall be handcuffed, double-locked and checked for proper application, with their hands behind their back.
  - c.** Officers shall document, in their report that “subject was handcuffed, checked for fit and double-locked.”
  - d.** Officers may use discretion in restraining persons or using other restraining devices in specific cases such as:
    - i.** Obvious state of pregnancy;
    - ii.** Prisoner has a physical handicap;
    - iii.** Prisoner has injuries that could be aggravated by standard handcuffing procedures;
    - iv.** Elderly; and very young persons.
    - v.** All prisoners shall be secured with seatbelts. No prisoner shall be handcuffed to any part of the police vehicle.
    - vi.** With the approval of a supervisor, leg irons, hobbles or flex-cuffs may be applied to the ankles of a prisoner who violently resists arrest, is an escape risk, is prone to violent behavior, or manifests mental disorders that pose a threat to the prisoner, the transporting officer, or the public.

- J. Escape:** In the event of an escape during transport,
- a.** The transporting officer shall:
    - i.** Immediately notify the dispatcher and supervisory personnel;
    - ii.** Immediately coordinate with responding officers to establish a perimeter; and
    - iii.** Brief responding supervisory personnel.
  - b.** The responding supervisor shall:
    - i.** Take command of the perimeter and search operation;
    - ii.** Determine the need for additional agency/inter-agency resources;
    - iii.** Ensure that all proper notifications are made up the chain of command; and
    - iv.** Ensure that the events surrounding the escape and search operation are properly documented through a report from each officer involved in the event.

**IV. Transport:**

- a.** Prior to transport, the officer shall thoroughly search all prisoners for any weapons, tools of escape, or contraband.
- b.** The transporting officer shall conduct a pat-down frisk for the purpose of seizing any weapons or tools of escape. The officer shall conduct a further search incident to the arrest for the purpose of seizing weapons, contraband or evidence of the crime.
- c.** In the event that the transporting officer and prisoner are of the opposite sex, the transporting officer may conduct a limited pat-down frisk for the purpose of seizing any weapons, tools of escape or contraband. This search should be observed, if possible, by a witness or in front of the vehicle video camera, and the officer is advised to use the back of his/her hand or some object such as a pen.
- d.** When possible and practicable, an agency member of the same sex should be requested for these types of searches.
- e.** Any search shall be documented by the transporting officer.
- f.** Prior to transporting a prisoner, the transporting officer shall notify the dispatcher of the:
  - i.** Identity of the prisoner;
  - ii.** Arrest location and destination;
  - iii.** Vehicle odometer mileage; and
  - iv.** Vehicle odometer mileage at the time of arrival at the intended destination.
- g.** Prisoners shall be transported in the following manner:

- i. If the transport vehicle is equipped with a safety barrier, the prisoner shall be placed in the rear, right-side seat. The transporting officer(s) shall be positioned in the front seat.
  - ii. If the transport vehicle is equipped with a safety barrier, and two prisoners are being transported, then two officers shall make the transport where feasible. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.
  - iii. A prisoner may be transported in a vehicle not equipped with a safety barrier. However, two officers must make the transport. One officer shall operate the vehicle while the second officer is seated in the rear seat, directly behind the operator of the vehicle. The prisoner shall be seated in the rear, right-side seat.
  - iv. All prisoners being transported shall wear properly fastened seat belts.
  - v. Prisoners shall not be transported in a reclined position.
  - vi. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
  - vii. Prisoners shall not be left unattended while being transported.
  - viii. Unless approved by a supervisor, no stops will be made while transporting a prisoner, unless there is an emergency circumstance, such as a medical emergency.
  - ix. A transporting officer shall not respond to the need for law enforcement services or back-up unless the risk to other citizens or law enforcement officers is both clear and serious and the risk to the prisoner(s) is minimal. When the need for these services is of a non-serious nature, the officer shall notify dispatch.
  - x. Prisoners of the opposite sex shall not be transported in the same vehicle unless extraordinary circumstances exist, and only when approved by a supervisor.
  - xi. If a prisoner is to be transported to court or any other facility, and the prisoner is believed to be a security hazard, the transporting officer(s) shall inform the receiving court of law enforcement personnel in order that they may prepare to accept custody of the prisoner.
- h. Special Transport Situations:**
- i. If a prisoner becomes sick or injured incidental to arrest, the transporting officer, when possible, shall summon emergency medical support to examine the prisoner prior to transport.
  - ii. If emergency hospital treatment is necessary, the prisoner and at least one officer shall be transported by the rescue to the hospital. The officer shall

remain with the prisoner (unless prevented by emergency circumstances or treatment needs) until the hospital personnel release the prisoner or until appropriate security can be arranged.

- iii. If emergency hospital treatment is not necessary, and a reasonable request is made by the prisoner to go to the hospital, the prisoner shall be transported in an agency vehicle.
- iv. Prisoners with physical handicaps may be transported in agency vehicles. All reasonable precautions shall be taken by the transporting officer to ensure the security and reasonable comfort of the prisoner, without compromising the safety of the transporting officer(s).
- v. Appropriate measures for the security and control of prisoners in medical facilities shall be taken. Whenever an officer transports a prisoner, or is transported with a prisoner, to a medical facility, the officer shall:
  - (a) Maintain a constant view of the prisoner;
  - (b) Ensure that proper restraints are applied to the prisoner until the medical staff needs them removed for medical treatment. Once treatment is completed, proper restraints shall be reapplied;
  - (c) Guard against any injury to the officer and all medical staff;
  - (d) If required to guard the prisoner, and when possible, rotate guarding assignments at regular intervals to avoid complacency;
  - (e) Ensure that the prisoner does not have contact with visitors;
  - (f) Notify hospital security, if available, and the law enforcement agency within the jurisdiction of the medical facility of the presence of a prisoner within the hospital;
  - (g) If the prisoner is admitted to the medical facility and cannot be arraigned by a magistrate or appropriate official, or issued a summons, notify the shift commander to arrange for 24-hour guard coverage;
  - (h) Upon the prisoner's release from the medical facility, and prior to transport, the prisoner shall be thoroughly searched; and
  - (i) Upon the prisoner's release from the medical facility, the transporting officer shall ensure that all medical records and instructions for future treatment are in the prisoner's possession and are provided to the detention facility.
- vi. Whenever a prisoner is to be transported and has been involved in the following types of incidents special safety considerations shall be adhered to:
  - (a) When the prisoner:
    - (i) Was involved in a violent struggle during apprehension,

- (ii) Was subjected to the use of a chemical agent, Taser, neck restraint hold,  
multiple body weight control, or impact strikes to the body,
- (iii) Is highly intoxicated on either alcohol or drugs or a combination.
- (iv) Is secured by maximal restraints, four-point restraints, TARP devices,  
or a  
hobble tool, or
- (v) Evidences a difficulty in breathing, **the transporting officers shall:**
  - Ensure that the prisoner remains in a seated, upright position,
  - One officer shall maintain constant visual and audible observation of the prisoner,
  - If there is any indication that the prisoner is in medical distress the officer(s) shall administer emergency medical attention consistent with their level of training and shall immediately summon emergency medical support, and
  - Shall advise the detention staff accepting the prisoner of all of the above circumstances.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **35. Secondary Employment**

- I. **Purpose:** The purpose of this policy is to establish guidelines governing extra duty details and outside employment by employees of this agency.
- II. **Policy:** It is the policy of this Department to allow employees the opportunity to perform extra duty details within the scope of their job classifications and to allow them to engage in outside employment which does not conflict with their official duties.
- III. **Definitions:**
  - A. **Outside Employment:** Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law

enforcement service to the employer and is not performed during assigned hours of duty.

- B. Extra Duty Detail:** Employment of a law enforcement nature in which vested police powers may be used and the type of employment is “police” work.

#### **IV. Procedures**

##### **A. Outside Employment:**

- a. Permission Form:** The Department will develop an outside employment request form which will be utilized whenever an employee seeks to engage in employment during their off-duty hours. The form will at a minimum contain the following information:
- i.** Description of the type of work to be performed, i.e. teaching, sales, construction, etc., and information concerning the potential employer;
  - ii.** Maximum number of hours per week an employee will engage in the outside employment, not to exceed twenty (20) hours;
  - iii.** Statement indicating that no aspect of employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the Department; and
  - iv.** Statement indicating the services rendered will not be connected with investigations or collection or repossession of property and will not involve any law enforcement duties.

##### **B. Extra Duty Detail**

- a. Permission Form:** The Department will develop a form for extra duty details containing the following:
- i.** Description of the work to be performed, i.e. traffic control, facility security, crowd/event control, etc.;
  - ii.** Dates and times of employment; not to exceed twenty (20) hours per week and not to interfere with the officer(s) primary work schedule;
  - iii.** Officers will be held to all policies and procedures of this Department while performing the extra duty detail in addition to state law and local ordinances; and
  - iv.** Any officer engaging in an extra duty detail will wear the approved uniform of this Department, carry all assigned equipment as if they were on duty, and be expected to take appropriate law enforcement action during the course of the detail.

- C. Approval:** Approval to engage in any outside employment or extra duty details will be submitted through the employee’s chain of command, requiring final approval by the Chief of Police. Permission can be withdrawn at any time.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 36. Off-Duty Action

- I. **Purpose:** The purpose of this order is to adopt safety directives and guidelines for dealing with the carrying of firearms while in off-duty status and for dealing with an officer's duty and responsibility to take action in response to criminal activity while in an off-duty status.
- II. **Policy:** A member may carry a firearm while off-duty in accordance with state and federal law. Officers of this Department, while carrying a firearm, whether on or off-duty shall have their badge on their person.
- III. **Procedures:**
  - A. It shall not be necessary that an officer, who chooses to carry a firearm off-duty, carry his/her service weapon. However, any weapon that an officer chooses to carry must be inspected, approved and registered with the agency firearms instructor(s) and approved by the Chief of Police.
  - B. If an officer is going to carry a personally owned firearm under his/her authority as a police officer, the officer shall be required to meet the State qualification standards for law enforcement firearms with the personally-owned firearm.
  - C. Under federal law, sworn law enforcement officers are allowed to possess a concealed firearm anywhere in the United States (HR 218). Officers should be aware that while this law exempts them from laws prohibiting such possessions, it does not give them police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state he/she is traveling through once outside their own jurisdiction; thus, the officer's rules of engagement are extremely limited
  - D. Officers shall refrain from carrying firearms when contemplating the consumption of alcoholic beverages, when consuming alcoholic beverages, or under other circumstances where the need to carry a firearm is outweighed by safety issues associated with the circumstances that the officer will be or is undertaking.
- IV. A member of the Department who becomes aware of an incident that poses a threat of serious bodily harm or death to some individual shall take "action" to minimize the risk

of serious bodily harm or death. “Action” under this provision is fulfilled by reporting the incident and shall not require the officer to place him/herself in a position of peril. An officer who is faced with such a circumstance should act in accordance with the guidelines as spelled out in this policy.

**V. Procedures for Off-Duty Action:**

- A.** First, go to a safe location and call 911.
- B.** Second, when you encounter a situation off-duty that seems to require law enforcement action, you must consciously evaluate whether your involvement is necessary or desirable, given the circumstances. How important and urgent is the need for your intervention?
- C.** Utilize an off-duty/plainclothes wrist-band (to be worn on gun hand wrist) or any other clothing or item available that identifies you as a law enforcement officer to responding law enforcement personnel. This shall include your shield/badge.
- D.** A number of circumstances may impact your decision to get involved in any situation. First, you may be alone or with family members or other non-law enforcement personnel. Second, it is unlikely that you will have all of the necessary law enforcement service equipment while off-duty, for example; pepper spray, baton, handcuffs or radio. It must be recognized that the force continuum, as well as threat assessment, is changed due to this lack of equipment. You may be faced with multiple suspects or unaware of hidden suspects. There may also be environmental factors working against you such as: lack of cover, crowds of civilians, darkness, etc. Your intervention may actually spark an escalation of violence. Therefore, your best plan of action may be to:
  - a.** Gather accurate intelligence like a good witness until uniformed, on-duty officers arrive.
  - b.** Remember, you have NO LEGAL OR DEPARTMENTAL/OFFICE obligation to get involved, especially if such intervention places you in a position of peril or such intervention requires that you behave recklessly, carelessly or in a suicidal manner.
  - c.** While agency policy mandates that you “take action” when witnessing a serious crime, calling the on-duty police and monitoring the situation from a SAFE vantage point fulfills that obligation.
  - d.** Most survival-conscious officers have trained themselves NOT to intervene off-duty UNLESS their life or the life of another innocent party is IMMINENTLY in danger. In other words, you should only consider intervention when deadly force would be justified. You should not intervene just to make an arrest while off-duty. The decision to take action, beyond simply reporting, is a personal one and is not a requirement of this agency.
  - e.** If you decide you must get involved, attempt to have someone call 911 to advise the operator that an off-duty officer is on scene. Have the caller inform the

operator if you are armed. If possible, have them describe you and your clothing. This will affect the mindset of the responding officers. When uniformed law enforcement officers arrive, have your badge out and visible. Do not rely on showing your identification as a means of providing any protection. At a distance, in dim light and under stress, your badge may not be seen, or the identification may not be given credibility if the responding law enforcement officers do not recognize you personally.

- f. Some trainers advise officers to hold their badge next to their gun for the best chance of being seen because the eyes of the responding officers are most likely to go immediately to your drawn firearm. You are probably safer to RE-HOLSTER your gun when other officers arrive, unless doing so would put you and the responding officers or innocent civilians in jeopardy. Until the responding officers sort out who is who, your gun is your greatest personal liability.
- g. If you have cover, maintain it. You can communicate verbally from there.
- h. Make your hands visible. Having responding officers see that you are unarmed and non-threatening will work to calm them and protect you.
- i. Verbally identify yourself as a police officer—not once and not in a normal tone of voice, but repeatedly and very loud. Keep shouting out: “POLICE! DON’T SHOOT! OFF-DUTY OFFICER!” until you get acknowledgment and directions as to what you should do. Remember, the noise and excitement of the scene, combined with auditory blocking may prevent responding officers from hearing you initially.
- j. When the responding officers issue commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
- k. When carrying a firearm off-duty (including finishing or beginning a tour of duty), It shall be concealed from public view by an outer jacket, shirt, sweater etc. If an off-duty officer’s firearm is observed and prompts the response of police or security officials, the off-duty officer should respond in a manner consistent with this policy.
- l. Finally, the most important rule of all: If you have a gun in your hand, NEVER, EVER turn toward an on-duty officer.

**NOTE:** Plainclothes Officers should be aware that the same recognition issues applying to off-duty officers also apply to plainclothes officers and while rules of action are different, the rules with respect to protective steps, i.e. movements, identification etc. remain the same.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 37. Property and Evidence Management

- I. **Purpose:** The purpose of this policy is to outline the procedure of this Department with respect to property, contraband or evidence that is seized. All property, with the exception of vehicles, will be dealt with under this policy.
- II. **Policy:** The policy of this Department is to provide for the reasonable safekeeping of all property that comes into the possession of this agency. With respect to evidentiary items, this agency shall maintain a proper chain of custody and secure such items in a manner that will ensure that the evidence is available to be admitted at trial.
- III. **General Provisions Applicable to All Evidentiary Items:**
  - A. Members of this Department shall only seize items under the following conditions:
    - a. Officer has probable cause to believe that an item is contraband. (Contraband is an item(s) that by its very nature is illegal to possess, such as illegal narcotics.)
    - b. Officer has probable cause, at the moment of seizure, that the item to be seized is stolen.
    - c. Officer has probable cause, at the moment of seizure, to believe that the item is evidence of a crime.
    - d. An item of value may be a lost item.
  - B. When seizing items of value (money/jewelry/precious metals/electronics) officers shall make an inventory of the item(s) at the scene of the seizure. Two officers shall conduct this inventory of the property. Both officers shall then sign the inventory.
  - C. In cases where professional expertise is required to make a proper accounting of the property, the supervisor on shift shall be notified so that the services of an expert may be obtained.
  - D. Once an item is seized it shall be transported to police headquarters.
  - E. The officer who has seized the property shall fill out an Alliance Police Department property form in the RMS system.
  - F. In cases where the items relate to a criminal investigation all forms necessary for criminal processing shall be completed.

- G. Evidence shall be properly marked or tagged with the report number, the date of seizure, the arresting officer's name and identification number, as well as the suspect's name where applicable. The officer will also put this information into the RMS system.
- H. The item shall then be stored in a temporary storage locker at the Alliance Police Department.
- I. In cases where the seizing officer will turn a suspect over to a different agency for charging, the evidence shall be turned over to the charging officer/agency along with the suspect.
- J. Once the evidence has been secured, it shall remain in the secure temporary storage locker until such time as the property/evidence room is open so that the evidence can be secured in the property/evidence room by the assigned designated Evidence Technician.
- K. The designated temporary storage locker(s) will be known as a Department authorized "temporary storage area". Officers of this Department shall not store evidence or property in their desk, lockers, work areas or vehicles. The temporary storage area will be an area that is under the control of the property Evidence Technician.
- L. If any discrepancies are discovered between items listed on the property form or in the RMS systems and the items being delivered to the property room, the Evidence Technician, shall report this discrepancy, in writing, to the officer responsible for submission. If the officer responsible for submission cannot fix the discrepancy, the technician shall report the discrepancy, in writing, to the Lieutenant.
- M. In cases where a discrepancy has been reported, the Lieutenant shall cause an immediate investigation to resolve the discrepancy at issue. If the discrepancy cannot be explained or resolved, the matter shall be turned over to the Captain for further investigation.

#### **IV. Evidentiary Narcotics:**

- A. Officers who seize drugs shall complete all paperwork that accompanies these arrests. The suspected narcotics should be field tested, where applicable, properly packaged and tagged. The tag should include the report number, defendant's name, date of seizure, and the seizing officer's name. The tagged narcotics, along with the property form, shall then be placed into the temporary storage locker(s). Copies of all associated paperwork will be included in the RMS system under the case number.
- B. **Evidentiary Narcotics:**
  - a. Drugs should be removed from unnecessary exterior packaging and a net weight taken and recorded.

- b.** Evidence should be properly bagged and tagged and a gross weight should be taken and recorded.
- c.** An evidence examination report shall be typed.
- d.** Any drugs, as well as money which has been seized, shall be logged in the RMS system. The gross weight of the narcotics; the amount of cash, if any, and any vehicle seized must be recorded.
- e.** The tagged and bagged narcotics and any cash seized shall then be placed in the temporary storage locker(s).
- f.** Each shift, the Evidence Technician will check the temporary storage locker(s) for evidence. Upon retrieving the evidence, they shall verify the inventory in the RMS system with the items in the temporary storage locker(s). If they find any discrepancy between the inventory and the items in the temporary storage locker(s), the submitting officers should be notified in writing to correct the discrepancies.
- g.** Narcotic items submitted to evidence that need to be sent to the Nebraska State Patrol Crime Laboratory for testing will be checked out of evidence by the Evidence Technician and they shall log the chain of custody in the RMS system. Chain of custody will be recorded and maintained.
- h.** Once a narcotic item(s) has returned from the Nebraska State Patrol Crime Laboratory, the Evidence Technician will log the evidence back into the evidence room and provide the investigating officer with the lab results.
- i.** The Evidence Technician shall be responsible for ensuring that narcotics sent to the Nebraska State Patrol Crime Lab for testing is returned and properly documented as well as stored in the designated area of the property/evidence room.
- j.** When evidence is needed for court, the officer assigned to the case shall notify the Evidence Technician who shall enter the drug locker and retrieve the evidence. The Evidence Technician, witnessed by a second officer if possible, will obtain the evidence for the officer. The Evidence Technician will log the chain of custody in the RMS system showing the officer assigned to the case accepted the evidence.
- k.** When evidence is returned from court, it shall be returned to the custody of the Evidence Technician, who shall log the chain of custody in the RMS system, indicating the return of the evidence. The Evidence Technician shall then return the evidence to the drug/money safe witnessed by a second officer if possible. If the Evidence Technician is unavailable, the officer returning from court shall place the narcotics in the temporary storage locker(s) for overnight storage. In such cases the Evidence Technician shall retrieve the evidence from the temporary storage locker(s) the next day and complete its return to the drug/money safe as outlined above.



- e. It shall be the responsibility of the Evidence Technician to perform twice per year, a reconciliation between the drugs within the custody of this Department and the disposition of cases. The purpose of this reconciliation is to determine those cases where the drugs will no longer be needed as evidence. In cases where the drugs are no longer needed, the drugs will be destroyed in accordance with the procedure set by the State of Nebraska.
- f. A drug destruction sheet indicating which narcotics are ready for destruction shall be prepared by the Evidence Technician. This destruction sheet shall include the following information: report number, crime lab number, name of defendant, disposition of the case, gross weight of the narcotics and two open categories for the initials of the officer who ultimately destroys the drugs, as well as the outside witnesses and a second open category where the date of destruction will be filled in following destruction.
- g. The drug destruction sheet shall be forwarded to the Captain who will verify the disposition of the case.
- h. The Chief of Police or its designee shall review the drug destruction sheet and determine the compliance with the above listed procedure. Once it has been determined that there is compliance the Chief of Police or its designee shall approve the destruction of the narcotics in writing.
- i. If it is determined that the destruction sheet does not meet the criteria set forth in this policy, the Chief of Police or its designee shall direct the individuals responsible for compliance on what is necessary to correct the deficiencies. No drugs will be destroyed before there is complete compliance with the above-listed procedure.
- j. Once the Chief of Police or its designee has approved the destruction of narcotics, a copy of the destruction sheet shall be forwarded to the Evidence Technician.
- k. Narcotics will then be destroyed in accordance with the procedure set forth by the State of Nebraska and the procedures outlined above.
- l. The Evidence Technician in charge of the physical destruction will ensure that the date, time, and location of destruction, as well as a minimum of two (2) witnesses to the destruction, are entered in the evidence management system and/or attached to the destruction order. One of these officers/witnesses to the destruction will be a designee of the Chief of Police who is not associated with the property and evidence function. The presence of the "outside" auditor is designed to maintain the integrity of the function. For this purpose, this outside auditor will normally be the Records Supervisor for the Department.

**VII. Stolen Property:** In addition to the general provisions of this policy, the following particular provisions also must be complied with when dealing with stolen property or

property for which there is probable cause to believe is stolen. It should be noted that state legislatures set diverse requirements for types of stolen property and for property that has been recovered as stolen from varying crimes. It is the intent of this policy to be broad enough to cover all stolen property irrespective of the crime or type of property that will meet all the requirements of law.

- A. When dealing with any type of stolen property, officers responsible for that property shall comply with the provisions of Nebraska law.
- B. Officers shall secure the property believed to be stolen and create an inventory detailing the property taken into custody in accordance with the general provisions of this policy.
- C. The case officer shall maintain a log in the RMS system of every item brought into the custody of this Department and verify that the property is assigned a report number.
- D. The case officer may deliver the stolen property to its rightful owner upon satisfactory proof of ownership after meeting the provisions of state law.
- E. Anytime a firearm is returned to a person, a criminal history check must be done to determine if the person receiving the firearm has been disqualified by some conviction from possessing a firearm.
- F. Prior to the return of a firearm, a check of available databases concerning domestic violence protective, restraining or non-contact orders shall be conducted to determine if the person receiving the firearm is prohibited by law from possessing a firearm.

**VIII. Other Seized Property:** In the course of investigating a crime, it is often necessary to seize what courts refer to as *mere evidence* to establish a connection between a suspect and a crime. This would include items such as wallets with identification, clothing, photographs and any other item that belongs to a suspect, victim or witness to a crime. While some of these items may have no monetary value, they may in fact be valuable to the rightful possessor of the property. In addition to the general provisions of this policy, which must be followed for all items coming into the custody of this Department, the following particular provisions shall also be followed:

- A. Prior to returning any property to a claimant, the following criteria shall be met:
  - a. A complete photographic record of the items shall be made including at least one photograph depicting the claimant and the items. This photograph shall be tagged by the evidence officer and maintained in the files of the RMS system by a specific case number.
  - b. The person claiming the property shall complete a signed declaration of ownership of the items under penalty of perjury.
  - c. No items in the custody of this Department shall be disposed, except in accordance with the provisions of this policy.

- B. Firearms:** All firearms that are no longer necessary for evidentiary purposes and have not been returned to a rightful owner following a criminal history check, shall be disposed of in accordance with law.
- a.** Any firearm which is unlawfully possessed under Nebraska law, Nebraska Revised Statute(s) §28-1204 and §28-1204.01, shall be confiscated and held until no longer required as evidence.
  - b.** All firearms are considered high value items and enhanced security measures should be considered. Firearms should be segregated and not co-mingled with other property and evidence, therefore the evidence storage has a firearms area designated.
  - c.** All firearms seized for evidentiary purposes pursuant to a criminal offense should be submitted to the appropriate crime laboratory for forensic testing of the weapon and entry in the National Integrated Ballistic Information Network (NIBIN). Once the testing has been completed the firearm will be returned to the submitting officer. The chain of custody shall be properly documented and the weapon logged in and out of the property/evidence storage area.
  - d.** All firearms should be stored in a gun box. With DNA always an issue in criminal cases and the likelihood it could exist on a firearm, protection of that evidence should always be a consideration.
  - e.** Safety procedures should be in place and require that any weapon seized by an officer is made “safe” and “inoperable” by physically inspecting the weapon to ensure that the weapon is unloaded and placing some type of device on the weapon to keep it from functioning as designed (i.e., this may be accomplished using a wire-wrap tie down secured through the breach of a firearm to prevent operation/discharge). These weapons should be placed in an individual gun box and sealed. Some means of visibly identifying the weapon as inoperable – Writing “SAFE” on the outside of the box — would increase safety and ensure policy compliance.
  - f.** No firearm held by the Department will be returned to the rightful owner with or without a court order until a criminal history check and other appropriate database checks have been completed to determine if the owner would be in violation of law to possess a firearm. No firearm should ever be returned to the owner who is prohibited from lawful possession. A record that appropriate checks were completed prior to return should be documented in the RMS system.

**IX. Disposition Of Seized And Other Property Held:** Seized property, abandoned property and articles found, which come into the custody of this Department, shall be initially handled in accordance with the general provisions of this policy. In addition to the general provisions, the following specific procedures required by Nebraska law shall be followed:

- A.** Unless other disposition is specifically provided by law, when property seized or held is no longer required as evidence, it shall be disposed of by the law enforcement agency on such a showing as the law enforcement agency may deem adequate as follows:
  - a.** Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;
  - b.** Money shall be restored to the owner unless it was used in unlawful gambling or it was used or intended to be used to facilitate a violation of the narcotics laws [Chapter 28 Article 4] in which case the money shall be forfeited and disposed of as required by Article VII §7 of the Nebraska Constitution.
  - c.** Property which is unclaimed or the ownership of which is unknown shall be sold at a public auction held by the Department and the net proceeds be disposed of in accord with Article VII §7 of the Nebraska Constitution. This includes unclaimed money.
  - d.** Contraband shall be destroyed unless they may reasonably be returned to a condition or state in which such goods may be lawfully used, possessed, or distributed by the public. In such a case the item(s) must be disposed of by court order.
  - e.** Firearms, explosives, ammunition, bombs, and like devices shall be destroyed. Firearms which may have a lawful use may be held without destruction and disposed of by way of a court order.
  - f.** Animals which are seized and are no longer required as evidence will be disposed of pursuant to a court order.
  - g.** Any other property shall be disposed of in accord with a court order.

**X. Inspections/Audits:**

- A.** At least every six months, the person responsible for the property and evidence control function, or his/her designee, conducts an inspection of adherence to procedures used for the control of property
  
- B.** Inspections of the evidence/property storage areas will be conducted to ensure:
  - a.** Storage areas are clean and orderly;
  - b.** Integrity of property is maintained;
  - c.** Provisions of agency orders and directives are followed;
  - d.** Property is protected from damage and deterioration;

- e. Accountability procedures are maintained; and
  - f. Property having no further evidentiary value is disposed of promptly.
- C.** Whenever the primary property manager is assigned and/or transferred from the property and evidence control function, an inventory of property, to ensure that records are correct and properly annotated, is conducted jointly by the newly designated property manager and a designee of the Chief of Police;
- D.** An annual audit of property held by the agency is conducted by an employee not routinely or directly connected with property control; and
- E.** Unannounced inspections of property storage areas are conducted at least twice per year as directed by the agency's chief executive officer.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **38. Towing and Vehicle Impoundment**

- V. Purpose:** The purpose of this policy is to direct officers in seizures of vehicles, evaluation of warrantless searches, inventories and options other than towing and impoundment.
- VI. Policy:** Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, or protecting the public, among other reasons. This policy provides guidelines that officers should use to decide issues related to impounding motor vehicles.
- VII. Discussion:** When considering impoundment of a vehicle by members of this Department, officers will take into consideration the purpose of the impoundment and the reasons for conducting an inventory of the contents of the vehicle.

### **VIII. Definitions:**

- A. **Impoundment:** The seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary or public safety purposes.

**IX. Procedures:**

- A. Impounding of motor vehicles shall use commercial towing services, towing vehicles, wrecker lots and the APD impound lot per this directive.
- B. Vehicles involved in motor vehicle crashes, abandoned vehicles or vehicles being towed for parking violations shall be towed to the responding wrecker's lot. All vehicles towed incident to arrest or that have evidentiary value shall be towed to the APD impoundment lot. When in doubt, seek supervisory guidance.
- C. In the event of a motor vehicle crash, the owner/operator shall be permitted to request a wrecker of their choice, so long as the wrecker arrives in a reasonable amount of time.
- D. Keys to vehicles impounded at the APD impoundment lot shall be placed in the fleet manager's box in the squad room prior to the end of shift. An email detailing the impound, including vehicle year, make, model and stall number, shall also be sent to the fleet manager. Keys **SHALL NOT** be left in the communications center.
- E. Motor vehicles shall not be towed as a form of punishment, as a means of conducting vehicle searches without a warrant, or when probable cause does not exist or consent to search cannot be obtained.
- F. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided with transportation.
- G. Vehicles impounded by or otherwise taken into the custody of this agency shall be inventoried in a manner consistent with this policy.
  - a. Inventories should be performed at the scene or at a safe place nearby whenever this can be done safely and effectively.
  - b. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be searched. This includes the trunk,

glove compartment or containers of any type that are present within the vehicle at the time of the tow.

- c. Officers shall complete forms authorized by this Department whenever a vehicle is towed for impoundment as evidence or for other purposes.

**H. Non-Criminal Impoundment Decisions:** Considerations for seizing/towing and conducting an inventory search of vehicle. With respect to the decision to impound, officers should explore alternative arrangements short of impoundment. Specifically, the officers should advise the owner or operator of the options to impoundment:

- a. The purpose of impoundment is not investigative but to protect property and avoid false claims.
- b. The officer may impound a vehicle when the motorist agrees to such impoundment and has had an opportunity to retrieve his or her belongings.
- c. The owner or driver of the vehicle should have the ability to opt for alternatives that do not interfere with public safety. Options could include but are not limited to:
  - i. Park-and-lock options on nearby streets or parking lots;
  - ii. Calling a friend or third party to drive the vehicle away;
  - iii. Release to a properly-licensed person in the vehicle;
  - iv. Impoundment of a vehicle should be permitted only if these options have been adequately explored.
- d. When impoundment is contemplated, officers should ask the driver whether there is any property in the vehicle the driver wishes to retain. If so, the driver should be allowed to retrieve it. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- e. With respect to property left behind, officers may ask the driver whether there is anything of value requiring safekeeping and make a record of the response in order to protect the officer and the Department from a later claim of theft of valuables.

- f. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be inventoried. This includes, the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.
- g. Officers shall properly secure closed containers found in plain view at the police Department for safekeeping in accordance with the Department property and evidence policy.
- h. No vehicle should be towed by this Department with firearms inside the vehicle.** If the owner is not present to secure the firearm(s) they shall be secured at the police Department for safekeeping in accordance with the Department property and evidence policy.
- I. Impoundment of vehicles when the motorist is not present to give consent:** In order to protect the officer and the Department from a later claim of theft of valuables, officers are allowed to properly secure closed containers found in plain view at the police station.

  - a. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be inventoried. This includes, the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.
  - b. Any items of value will be stored in compliance with the Department property and evidence policy.
  - c. No vehicle should be towed by this Department with firearms inside the vehicle.** If the owner is not present to secure the firearm(s) they shall be secured at the police Department for safekeeping in accordance with the Department property and evidence policy.
- J. Impoundment for Evidence:** A vehicle shall be towed if a subject is arrested for purposes of incarceration and one of the following circumstances exists:

  - a. The vehicle was used as a major instrument in a crime; or



- c. The vehicle cannot be driven away or legally parked and sufficiently secured at the scene due to damage, or
- d. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

**M. Parking Violations:** Parking Violation towing should be distinguished from impoundment as it does not typically involve police custody of the motor vehicle. Therefore, when towing for parking violations, the vehicle shall be towed to the wrecker lot unless the wrecker company refuses. The following fall under towing for parking violations:

- a. Abandoned, unregistered or inoperable vehicles that have been left on or that cannot otherwise be moved from the roadway;
- b. Vehicles parked illegally;
- c. Vehicles parked in violation of Emergency Snow Route Procedures.

- i. In these situations, officers should use their judgement when conducting an inventory. If the vehicle is locked, it should be towed without conducting an inventory and left secured. If the vehicle is unlocked, it should be inventoried consistent with policy and any weapons or items of value removed in accordance with this policy.

**N. Release of Vehicles From Impound:** Prior to releasing a vehicle from APD impound, the individual receiving the vehicle shall present:

- a. A valid driver license;
- b. Proof of insurance (unless trailered); and
- c. Payment of all fees
  - i. Actual towing bill plus \$20.00 per day storage
- d. For vehicles towed to and stored by the wrecker service, all billing related to towing and storage will be handled between the wrecker service and the owner/operator of the vehicle.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 39. Grooming & Appearance

- I. **Policy:** All personnel of this Department are required to maintain their personal appearance in a neat and well-groomed manner. Employees will not be allowed to perform duties with an unkempt, dirty, shoddy, or disheveled appearance, except, when necessary, in the performance of their duty. The citizens that we serve expect and deserve a professional appearing employee. An acceptable appearance creates a favorable Department community-relations attitude.

#### II. Procedures:

- A. **Uniformed personnel:** To maintain uniformity, the Chief of Police will authorize all uniforms and equipment for the Department. All uniform additions, alterations or purchases will be made by the Equipment Officer. Any questions concerning uniform clothing should be discussed with the Chief of Police. Request for replacement uniforms shall be made to the Equipment Officer.

Dirty clothing articles will be cleaned. Worn, frayed, or faded articles of clothing will be replaced.

All uniform personnel will wear a name tag which shall bear the employee's name. Officers with the rank of sergeant and above will wear a gold name tag and gold belt keepers. Officers below the rank of sergeant will wear silver name tag and silver belt keepers. The name tag will be affixed above the right shirt pocket.

**B. Plain Clothes Detail:** From time to time it will be necessary to be on-duty and assigned special duty in plain clothes. Examples include:

1. Investigations;
2. Undercover operations;
3. Special assignments; and
4. Administrative duties

Depending upon the type of plainclothes detail assigned, the dress will range from business attire to jeans and a t-shirt. All clothing will be clean and presentable.

While attending training, schools and seminars, personnel will either wear their uniform or conform to the dress code as outlined by the organization conducting the school or seminar.

**C. Court Dress:** All members of this Department will appear in full uniform or business attire as authorized by the Chief of Police. If business attire, males shall wear a tie and jacket.

**D.** All Department personnel will observe the following:

Hair                      Should be neat, clean, and presentable.

Facial Hair              Facial hair is allowed but should be neat, clean and presentable. Beards and moustaches shall be kept neatly trimmed at all times. Officers who do not choose to have facial hair must shave regularly.

Shoes	All member's shoes will be clean at all times. Only black shoes or boots in a plain fashion will be worn with the police uniform. Shoes that can be polished should be polished to a luster.
Fingernails	Shall be kept neatly trimmed and not exceed past the tip of the finger. Nail polish shall be conservative and consistent on all fingers.
Showering	Employees shall bathe daily and come to work free from extraneous or unpleasant odors. Employees shall use deodorant.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **40. Emergency Medical Calls**

**VIII. Policy:** Police officers will respond to medical emergency calls as needed and act in concert with emergency medical personnel to provide the victim with the highest level of care possible.

#### **IX. Procedures:**

It is the responsibility of the police officer(s) on duty to monitor the dispatching of emergency medical units and determine if a response is needed for the type of emergency call.

A police unit will respond to urgent medical calls, if available. If upon arrival the officer finds there is no injury, sickness, or immediate need for other emergency services, the officer should advise the communications center, who will make the necessary notifications.

Police units do not need to respond to emergency calls where transportation from a care home to the hospital or from the hospital to the care home or residence of a patient are dispatched to the emergency medical services.

#### **A. Sickness or Injury Calls:**

1. If the responding officer is first on scene, the officer will provide first aid as needed until relieved by ambulance or other competent medical authority.
2. Responding to emergency sickness calls where the patient is showing symptoms such as influenza or COVID-19, officers should take precautions such as wearing face masks, face shields, gloves and other PPE as needed. In such situations, officers may use discretion, on scene, as needed so as not to expose themselves or others to infectious diseases such as influenza and COVID-19.
3. In the event of a violent crime where the suspect is still believed to be at the scene, emergency personnel will be advised not to enter until officers determine it is safe for them to do so, unless entry can be made with minimal risk to the emergency personnel.

Officers shall ensure that any evidence at the scene is preserved as much as possible without interfering with the treatment of victims.

#### **B. Death Calls:**

1. It is not the officer's responsibility to pronounce death at the scene. Officers will not prevent removal of a victim from the scene when there is any chance to save a life.
2. In all death calls, the officer(s) will protect the scene and conduct a death investigation per training and procedure. Use of the BWC can be valuable during the initial response to such emergency scenes.

### **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

#### **41. Bola Wrap**

- I. Policy:** Bola Wrap may only be used by authorized and trained personnel in accordance with the Use of Force Policy and any additional established guidelines.
- II. Purpose:** The purpose of this policy is to provide guidance and direction on the use of Bola Wraps.

### III. Definitions:

- A. **Bola Wrap:** The Bola Wrap 150 is a remote restraint device used for immobilizing and controlling resisting and/or non-compliant persons
- B. **Bola Wrap Cord:** The Bola Wrap cord is the cord that attaches to the anchors that allow the Bola Wrap to successfully “wrap” around the subject, causing momentary incapacitation.

### IV. Bola Wrap Risks:

- A. **Anchors:** The anchors contain small hook-like objects that can embed into the skin of the subject.
- B. **Neck, Groin or Head Area:** Bola Wraps targeted at the head, neck or groin area should be avoided as they are very likely to be ineffective and may result in only pain or minor injury.
- C. **Deploying too Closely:** Bola Wraps deployed too closely to a subject (within 10 feet) can cause damage and/or pain to the subject.

### V. Bola Wrap Risk Reduction:

- A. The Bola Wrap is most effective and least dangerous when used on persons who are stationary or moving slowly and targeted between the ankles and mid-thigh, to control the legs, or between the wrists and elbows, to control arms that are by their sides.
- B. Avoid deploying the Bola Wrap too closely to a subject. Maintain ten (10) feet minimum distance.
- C. Do not purposefully deploy the Bola Wrap at the neck, head or groin area of the subject.

### VI. Bola Wrap Effectiveness:

- A. Like any weapon or force option, a Bola Wrap does not always function as intended and is not effective on every subject. If the Bola Wrap is not effective, consider using other force options or disengaging.
- B. Bola Wraps may be limited by many factors, to include clothing, how the subject is moving/walking, distance from the subject and anchors not properly grasping.

### VII. Procedure:

#### A. Authorized Users:

1. Only personnel (police officers and special services officers/SSO), who have satisfactorily completed the Alliance Police Department approved training, shall be authorized to carry and deploy Bola Wraps. Verifications of previous certifications may be accepted upon review by the Bola Wrap instructors and the Chief of Police or its designee.
2. Personnel obtaining an authorized user status will be re-certified annually.

**B. Bola Wrap Readiness:**

1. The Bola Wrap shall be carried in a Department approved holster.
2. The Bola Wrap shall be carried fully armed with the safety on in preparation for immediate use when authorized and justified.

**C. Deployment:**

1. The Bola Wrap is a low-risk, low-pain option during a use-of-force incident. Personnel will comply with the Department policy on Use of Force when determining the deployment of the Bola Wrap. As such, it is forbidden to use the Bola Wrap as follows:
  - A. In a punitive or coercive manner.
  - B. On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - C. In violation of our use of force policy.
  - D. In any environment where the subject is in an elevated position (tree, roof, ladder, ledge, balcony, porch, bridge, or stairs) such that when incapacitated by the Bola Wrap, they fall down, causing collateral injury from the secondary impact which may cause serious injury. If the officer **MUST** deploy his/her Bola Wrap while the subject is in a dangerous or elevated situation due to an exigent circumstance, this will be clearly documented in the report.
2. The subject should be handcuffed as soon as practical after deploying the Bola Wrap.
3. Laser sights should be used as the primary aiming device.

4. In preparation for firing, the Bola Wrap should be pointed in a safe direction and if tactically safe to do so, taken off safety and then aimed by primary sights. The preferred targeting is toward the legs of the subject or lower torso area to wrap the wrists of the subject.
5. After any deployment, the Bola Wrap shall be brought to the Bola Wrap instructor or designee to have the cartridge replaced.

**D. Aftercare:**

1. A Bola Wrap may cause injury as a result of the metal anchor embedding into the skin of an individual.
2. All subjects should be evaluated by EMS following the embedment of an anchor into the skin of an individual. Officers should not attempt to remove these anchors and instead let EMS remove these anchors.
4. Photographs and/or body camera video of the affected area should be taken before and after the anchors are removed, as well as other related injuries; as long as it is tactically safe to do so.
5. When a Bola Wrap has been deployed, authorized personnel shall collect the cartridge, rope and anchors and dispose of these items in accordance with our infectious disease policy.
6. Deployed anchors that have been removed from a subject's skin should be treated as a biohazard.

**E. Reporting:**

1. Any time, and as soon as it is tactically safe to do so, authorized personnel deploying a Bola Wrap shall notify the communications center that a Bola Wrap deployment has taken place.

Authorized personnel shall specifically articulate the rationale for deploying a Bola Wrap in their written report and their use-of-force report prior to going off shift.

**F. Supervisor Responsibilities:**

1. Once notified of a Bola Wrap deployment in which authorized personnel has utilized force during an operational deployment, the supervisor or senior officer (if possible) should immediately respond to the scene to investigate the incident. If a Bola Wrap deployment is accidental and in a non-operational

situation, a supervisor may handle the situation by phone and then notify the chain of command.

**All deployments of a Bola Wrap involving a subject will be reviewed by the supervisor on scene.**

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **42. Ride-Along**

- V. **Purpose:** The purpose of this policy is to set forth the Department's mandates with respect to citizen ride-alongs.
- VI. **Policy:** In an effort to enhance the mutual respect of police officers and the community we serve, this Department hereby establishes a ride-along program. This program will provide its participants with a greater understanding of law enforcement. At the same time, through interaction between our officers and members of the community, lines of open communication will be established.

### **VII. Procedures:**

#### **A. Who Can Participate in the Ride-Along Program:**

- a. All participants must be at least 19 years of age and must have signed the Department waiver form.
- b. Community members who are interested in broadening their knowledge of law enforcement. This would include members of civic organizations, college students who are interested in the law enforcement field and any other person authorized by the Chief of Police or its designee.
- c. Media representatives who wish to conduct a ride-along for purposes of developing a news story or other documentary. This category includes print and electronic media. Media representatives must complete all documents required of any other participant. In addition, members of the media must have express written authorization from the office of the Chief of Police before recording, by any means (audio, video, film, photo), any portion of the ride-along.

#### **B. Application Process:**

- a. Applications for ride-alongs shall be available at the police Department. Personnel assigned to the police Department should inform anyone who receives a ride-along application that they should return the application to the

Department once it is completed. Applicants must provide a photo-identification for verification when they return their completed application.

- b. Completed applications shall be forwarded to Chief of Police or its designee.
- c. Application review will include a record check and NCIC inquiry. An applicant who has a felony record or a misdemeanor record that involves moral turpitude or dishonesty may be excluded from participation in this program.
- d. Once approved, the applicant shall be notified and assigned a date and time for the ride-along.

**C. Reporting for Ride-along:**

- a. Participants should report to police headquarters fifteen (15) minutes prior to their scheduled participation.
- b. The Sergeant or other supervising officer shall meet with the ride-along participant and shall review the rules of the ride-along program with the participant. In this review, the participant should be reminded that they may be called as a witness in court if they observe a police event which becomes subject to court action.

**D. Duties of the Participant:**

- a. Participants shall play no active role in the police function. They must only act as an observer unless otherwise directed by their host-officer.
- b. Participants shall not be allowed to operate any police equipment unless directed to do so by a police officer in an extreme emergency.
- c. Participants must remain in the police vehicle at all times until directed otherwise by the host-officer.
- d. Participants must not speak to victims, witnesses, prisoners or other persons associated with a police event. Should a witness, prisoner, victim or other person speak to the participant, the participant should politely direct the person to speak to one of the officers present.
- e. Participants shall not bring cameras or any recording devices without the express written permission of the Chief of Police.
- f. Participants shall not enter any person's home while participating in the ride-along unless the host-officer has asked and has been granted express permission from the homeowner/occupant to allow the ride-along participant entry.
- g. Participants shall follow the instructions of the host-officer at all times during the ride-along.
- h. Participants shall not be allowed to carry any firearm or other weapons, even when otherwise authorized by law, while participating in the ride-along program.

- i. Participants should be dressed in comfortable, casual but conservative clothing during the ride-along. Participants who are inappropriately dressed, as determined by the supervising officer or host-officer, shall not be allowed to participate in the program on the assigned date.

**E. Duties of the Host-Officer:**

- a. Host-officers shall conduct their activities in a manner consistent with the efficiency of the Department as if the rider was not present.
- b. Host-officers who have ride-alongs in their patrol vehicles cannot become involved in vehicle pursuits, transport of violent prisoners, or other highly dangerous situations.
- c. Whenever a host-officer believes that circumstances make it necessary for safety, the officer may instruct the ride-along participant to remain in the patrol vehicle and/or drop the ride-along participant off at a safe location, such as the police Department or an open business, and arrange for later pickup.
- d. Host-officers may allow the participant to leave the police vehicle in order to better observe the police activity; however, where a participant has been allowed to leave the police vehicle, host-officers shall maintain close supervision of the participant and not allow the participant to involve himself/herself in the police activity.
- e. A host-officer must never allow a participant to enter the home of any person, unless the officer has first obtained the consent of the homeowner/occupant. In obtaining consent, the officer must specifically notify the homeowner/occupant that the participant is a ride-along participant and there is no legal obligation to allow the participant inside the dwelling.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**43. Active Shooter-Killer**

**I. Policy:** This agency, in order to save innocent lives, recognizes the need for officers to act swiftly and decisively during active shooter-killer events. Responding officers are authorized to take immediate action to contain and if necessary, neutralize active shooters-killers.

**II. Definitions:**

**A. Active Shooter-Killer:** An active shooter-killer is an armed person who has used deadly physical force on other persons and continues to do so while having potential access to additional victims in what is commonly referred to as a target-rich environment.

**B. Immediate Action Rapid Deployment:** The swift and immediate deployment of law enforcement personnel and resources to ongoing, life-threatening situations where delayed deployment of personnel could otherwise result in death or serious bodily injury to innocent persons. Active shooter-killer events are different than barricaded-gunman events, therefore immediate action rapid deployment tactics must be different to better neutralize the threat.

**C. Soft Targets:** For example, a soft target would be an automobile, a house or assembly of people. Hardening a soft target can be achieved by employment of active security elements such as the presence of armed security or law enforcement officers; or passive elements such physical barriers and locking systems. Soft targets selected by active shooters-killers most often include public schools, colleges and universities, malls and major retail outlets and other places, where large groups of likely unarmed people tend to gather.

**D. Suicide-by-Cop:** Is a suicide method in which a criminal actor deliberately acts in a threatening or destructive way towards a law enforcement officer or others, with the intent of provoking a lethal response, such as being shot to death. Similar phrases include death-by-cop, suicide-by-police, and officer-assisted-suicide.

**III. DISCUSSION:** It is not unusual for tactical teams to arrive at the scene of a barricaded incident and find that patrol personnel have contained the suspect within a secure perimeter. There is generally time for the tactical team to deploy their personnel without serious concern of the suspect(s) escaping. Once the incident has been isolated, time enables patrol and/or tactical personnel to formulate a structured and deliberate plan.

However, there are scenarios that require immediate action and rapid deployment of patrol personnel prior to the arrival of the tactical team. In these cases, delayed deployment could have catastrophic consequences. These scenarios often involve an ongoing, shots-fired or downed officer/citizen rescue and often involve a rapidly changing situation. It may also necessitate the immediate and rapid deployment of armed personnel to contain or prevent the escape of an armed and dangerous person(s), and prevent further loss of life.

Over the past several years the world has experienced a growing trend of mass homicide violence committed by individuals. These episodes have come to be termed active shooter-killer incidents and are unique in that the behavior of the suspects is very different from that typically associated with other violent behaviors. In planning, suspect(s) will generally select soft targets of likely unarmed people, gathered in large groups to maximize potential victims. Without warning, the active shooter-killer will begin to shoot, stab or otherwise attack the crowd. The motives for these behaviors include political and religious agendas, rage, vengeance for perceived wrongs, and mental health issues.

The incidents experienced across the country suggest that the typical law enforcement response involving containment, isolation, and negotiation is not adequate. Unlike most criminals, active shooters-killers are likely to continue to use deadly physical force until intervention occurs or until the active shooter-killer decides to stop.

Unlike most law enforcement calls for service, active shooter-killer calls and response require rapid response, quick evaluation of the situation, formulation of a plan, and tactical response to locate and contain the active shooter-killer. Initial officers arriving at the scene, will most often move to locate and contain the active shooter-killer, and rely on other arriving officers to rescue, move, and treat victims. The goal of intervention in active shooter-killer incidents is to:

- A.** Neutralize the threat(s) by neutralizing the shooter-killer;
- B.** Preventing further loss of life; and
- C.** Rescuing injured persons or potential victims.

These goals can be achieved by various means, up to and including, the timely and effective use of deadly physical force.

**The active shooter-killer response concept represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial officer responders arriving on the scene to have the authority and the capability to take aggressive action without waiting for command staff or for the arrival of specialty units such as SWAT or Crisis Negotiators.**

#### **IV. Characteristics of an Active Shooter-Killer:**

- A.** The following is a list of characteristics commonly associated with active shooter-killer suspects. This list was compiled from descriptions of past active shooters-killers, but not meant to be a comprehensive list describing all active shooters-killers. Each active shooter-killer situation is unique, however, it is helpful to know that an active shooter-killer could likely:
- 1.** Be prepared for the event.
  - 2.** Be prepared for various contingencies, depending on law enforcement response and subsequent confrontations.
  - 3.** Choose soft targets where there is a perception that people are disarmed and cannot effectively respond.
  - 4.** Choose locations where potential victims are close at hand, such as schools, colleges, shopping malls, churches, theaters, and concerts.
  - 5.** Be intent on killing large numbers of people as quickly as possible.
  - 6.** Give no indication of his/her presence until he/she begins his/her assault.
  - 7.** Act in the manner of a sniper, assaulting victims from a distance.
  - 8.** Engage multiple targets while remaining constantly mobile.
  - 9.** May not be deterred or susceptible to containment or negotiation tactics.
  - 10.** Typically continue his/her attack despite the arrival of emergency responders.
  - 11.** May often be better armed and prepared than security and law enforcement officers.
  - 12.** May not limit himself/herself to the use of firearms in accomplishing their attacks on victims. He/she may use bladed weapons, vehicles, explosives, booby traps, body armor or any tool that, in the circumstance in which it is used, constitutes deadly physical force.
  - 13.** Historically have not attempted to hide his/her identity or conceal their attacks.
  - 14.** May employ some type of diversion.
  - 15.** May be indiscriminate in his/her violence or he/she may seek specific victims.
  - 16.** Usually have some degree of familiarity with the building or location he/she chooses to occupy. In the case of school and college shootings, the active shooter-killer almost always attacks fellow classmates.
  - 17.** Active shooter-killer events are dynamic and may go in and out of an "active" status; a static incident may turn into an active shooter-killer event or an active shooter-killer may go "inactive" by going to a barricaded status without access to victims.

18. Escape is usually not a priority of the active shooter-killer.

19. Active shooters-killers may be suicidal, deciding to die in the course of their actions either at the hand of others or by self-inflicted wound.

## V. TACTICS:

The following tactical tenets set general tactical response guidelines for an active shooter-killer incident. Again, these incidents are sufficiently unique such that their effective handling cannot be totally reduced to step-by-step procedures. This tactical discussion is not meant to limit conventional tactics which might be appropriate to a crisis situation. The significant factors regarding these is that they represent a means of intervention available to officers when there is an elevated risk to bystanders and officers. The risk is acceptable in light of the potential these tactics have for saving lives.

Another significant aspect of the active shooter-killer tactical doctrine is that officers arriving at the scene of an active shooter-killer incident are authorized to intervene immediately, prior to the arrival of command personnel or special units and without any supervisory approval.

**A. Goals:** The overall purpose of these tactics is to save lives and limit serious injuries. Important goals for law enforcement response to an active shooter-killer event are neutralization of the attacker(s), denying access to additional victims, and rescuing injured victims and potential victims.

**B. Assume Tactical Responsibility:** Upon arrival the first officer at the scene must take charge of the incident. If more than one officer arrives simultaneously, or as the scene develops, tactical responsibility may be based on rank, expertise, seniority, or situational knowledge. However, it must be made imminently clear to both communications centers and other officers, who is in-charge. An officer of superior rank who is on scene and fully briefed may ultimately assume incident command. Any change in incident command will be made known to communications and others immediately.

**C. Situational Analysis** - The officer taking charge must, based on what information is available, make a rapid situational analysis. The analysis will be continuous, taking into account new information as it is received. The first decision is whether the situation is an active shooter-killer event, whether a need exists for immediate intervention to accomplish one of the goals listed above, and how responding

resources should be employed at the scene. By their very nature, these decisions will need to be made within a few seconds or minutes, with incomplete data, and often unreliable and confusing facts. Officers placed in such a position, are simply expected to do the best they can with the information they know at the time.

- D. Incident Command:** The first officer arriving on scene will initiate incident command. The officer will initiate the situation analysis and determine initial deployment of responding resources. This may involve deployment of resources as they arrive, by radio. Command personnel enroute to the incident will monitor the radio to gain information, but shall not obstruct ongoing intervention. Any command personnel must be on scene and fully briefed before assuming responsibility of incident command.
- E. First-Responder Tactical Intervention:** When responding to active shooter-killer incidents, the concept of first-responder tactical intervention applies. It is critical that all officers, supervisors, and command personnel are familiar with the definition of an active shooter-killer as well as the tactics deemed appropriate for active shooter-killer response and intervention. The traditional uniform responses of contain, isolate, evacuate, and wait for SWAT and crisis negotiators is not adequate in an active shooter-killer incident. The first law enforcement officer on scene will need to consider the following:
- 1. Containment:** First-responder intervention is based on opportunity. Tactical intervention is the primary component of an active shooter-killer response. In instances where officers are arriving at intervals, individual deployment and coordination via radio is the only practical option, especially when seconds can be the difference in more victims and casualties.
- F. Rescue/Contact Team:** Rescue teams are usually in the form of officers with an identified element leader. Team movement will be in a controlled and disciplined tactical action under the control and direction of the element leader. Rescue teams could also consist of members of fire and rescue personnel. Ideally, rescue teams would enter an environment that is no longer “active” to provide aid.
- G. Active Shooter-Killer Site Security:** No location associated with an active shooter-killer will be considered secure until the incident commander declares it is so. Officers assigned to security functions will maintain positions until properly relieved. It should always be assumed there could be one more suspect.

**H. Special Weapons and Tactics (SWAT):** When SWAT units are prepared to deploy, the initial-responding officers may be relieved or redeployed by SWAT.

## **VI. Deployment Considerations—Active Shooter Vs. Hostage/Barricade Event:**

**A.** Attempt to distinguish the difference between an active shooter-killer and a hostage/barricade situation. At first glance, a hostage/barricade and an active shooter-killer call may look and feel very similar, but there are distinct differences for responding officers.

The main difference is that victims are currently being killed or attacked during an active shooter-killer event, while a hostage/barricade event there is no “active” attack on hostages or victims. Take care, as an active shooter-killer situation can become a hostage/barricade event quickly and without warning and vice-versa. Here are some tactical considerations, if and when the situation changes:

**B. Hostage/Barricade Patrol Response:** A practical patrol response to a barricade/hostage situation is defined with the 5-Cs:

- **Contain;**
- **Control;**
- **Communicate;**
- **Call SWAT and negotiators; &**
- **Create an Immediate action plan.**

**C. Time** is also a critical factor. When dealing with a barricaded suspect or hostage-taker, elongating the event can increase the chances of a negotiated settlement.

Once this is accomplished, gather intelligence and prepare for transition to tactical operations. In such operations, with good organization, time is generally on your side.

**D. Active Shooter-Killer Patrol Response:**

The concepts and principles of patrol response to an active shooter-killer (homicides in progress), are based around the concept of inserting a team into a hostile environment with limited to no intelligence, and getting the team to the exact location

of the active shooter-killer as soon as practical. The team must thereby insert itself and move past un-cleared areas with no apparent “active” event, and pass victims without assessing injury while providing team security from counter strikes. Guiding principles during these operations are based upon the following team movement axioms:

- Teams could consist of 2 to 5 officers;
- Stay together as much as possible;
- 540° of coverage;
- Communication;
- Work the angles;
- Every team member has their responsibilities;
- Threshold evaluations; and
- Move only as fast as you can shoot accurately and think.

The rapid response of patrol officers to an active shooting has several advantages. By overwhelming the suspect(s) with effective tactics, the first responder(s) can:

- Isolate the suspect(s) from additional victims;
- Distract the suspect’s attention away from innocent victims, and place the suspect under duress; and
- Neutralize the suspect(s) as a threat.

The first-responding patrol officers to an active shooter-killer scene realize that it is not a realistic objective to save everyone trapped inside. The number one goal must be to locate and neutralize the threat, thereby mitigating the damage and saving as many lives as possible.

The initial response of two (2) or three (3) officers to the scene to form a single Contact Team to enter the structure, must understand the inherent risks of doing so. Although this should not be your first typical response, first responders should be empowered to make the decision based upon the information available to them at the time. Officers should not feel compelled to wait for back up when immediate response could prevent further loss of life.

The minimum number of officers to form a Contact Team is two (2), but realize an individual officer arriving on scene first has the authorization to deploy themselves as a singular force if the officer believes they can put a stop to the emergency situation and save lives of innocent people. The recommendation is to have a back-up, make sure that the 540° of coverage is secured. The maximum number of officers on a Contact Team should not normally exceed five (5). If there are more than five (5) officers on scene, then there should be an additional Contact Team or Rescue Team formed.

All Teams consist of forward and rear security at all times, to support the 540° coverage concept. Team member position and responsibilities can change depending on team movement.

#### **E. Team Movement:**

##### **1. Speed of Movement (Dictates Formation Used):**

##### **2. Stealth/Deliberate:** There are two scenarios in which this speed is useful:

- First responders do not know the location of the suspect(s) and are conducting a deliberate search; and
- First responders start to get close to the area where the suspect(s) may be located but the exact location is still unknown.

Stealth/Deliberate speed is not used when shots can be heard or the team has specific intelligence about the location of the suspect(s).

##### **3. Dynamic/Direct to Threat:** This speed of movement is used when the team has information as to the location of the suspect(s). Move as fast as you can shoot accurately, and think as a unit. (To move as a team, movement should be determined by the team leader.) The team must get to the active shooter-killer quickly to stop the killing.

##### **4. Putting It All Together:**

- Marshall available resources for rapid deployment to stop the killing;
  - If neutralization of the threat is impossible, move to contain and isolate;
  - Control the scene, secure the perimeter and gather information;
  - Communicate your actions and information gathered to all parties involved;
- and
- Direct responding officers to aid in rescue of wounded victims and hostages.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **44. Gun Range Operations**

**I. Policy:** To ensure the safety of officers and the members of the public adjacent to the Department firearms range, the following procedures will be implemented. The procedures will include standards for use and access to the firearms range. At no point will range safety be compromised for any reason.

#### **II. Procedures:**

**A.** For purposes of this document, the term “firearms range” shall mean any site where formal police firearms’ trainings are conducted.

**B.** All Department firearms range rules will apply to anyone utilizing the police firearms range.

#### **C. Use of the Firearms Range:**

- 1.** Sworn members of the Alliance Police Department, Box Butte County Sheriff’s Office and Nebraska State Patrol will be allowed to use the firearms range. At least two persons will be present while at the firearms range. No other person will be allowed to use the firearms range unless they have received permission from the Chief of Police. Family members may use the range, in the presence of an officer, after having signed a waiver of liability.

2. The Department's scheduled activities will be given priority for use of the firearms range. Officers who wish to use the firearms range should check with the firearms instructor for a possible conflict.
3. Any agency utilizing the firearms range for training purposes shall have a certified firearms instructor from their agency on site during such training/use of the range.
4. All persons present/training/observing at the firearms range while the firearms range is being used shall wear ear protection, eye protection, and a bullet resistant vest.

#### **D. Firearms Range Operation Rules:**

1. There will be no running on the firearms range except during a training exercise.
2. There will be no wrestling, poking, prodding, joking, games of tag, or touching other officers inappropriately while on the firearms range.
3. There will be no talking above a conversational level unless the officer is in need of help. There will be no talking on the firing line while the firearms instructor is giving orders or during or after any firearm is loaded. This rule does not pertain to the shooter/coach relationship/conversation.
4. There will be no use of tobacco on the firearms range.
5. Officers will not give any range commands for any reason, unless he/she is a firearms instructor or in case of an emergency.
6. While on the firing line, officers will conduct themselves in such a manner as to not distract any shooter on the firing line.
7. Officers will not point the muzzle of a firearm at anything they do not intend to shoot or in a direction when a negligent discharge could cause harm.

- 8.** Officers will not handle a firearm without first checking to see if it is unloaded, then they must look again to make sure there was no mistake and then check it again.
- 9.** When officers are on the firearms range, during official law enforcement training, the firearms instructor is in charge.
- 10.** Weapons will not be drawn from the holster until on the firing line and the firearms instructor has given the order to do so.
- 11.** Officers will not load their firearms until they have taken their place on the firing line and the firearms instructor has given the order to do so.
- 12.** Officers will keep their fingers off of the trigger and on the frame until they are ready to fire and a command has been given that assures the firearms range is clear.
- 13.** Officers will never turn around on the firing line with a weapon in their hand, unless instructed to do so by a firearms instructor.
- 14.** To receive help from a firearms instructor, officers will bring the firearm to the low-ready position, elevate the non-shooting hand and stand ready for help.
- 15.** Officers will never give a firearm to anyone or take a firearm from anyone unless the firearm has been opened, left open and cleared. Once the firearm has been checked,, check it again.
- 16.** Officers will never go forward or leave their position on the firing line until the firing line is cleared and given the order by the firearms instructor to do so. An officer will never leave the firing line, in either direction, unless the officer has been given permission by the firearms instructor.
- 17.** Officers will never stand on the firing line without aligning themselves evenly with others on the firing line.

- 18.** When not on the firing line, officers will remain behind the farthest firing point unless given permission by the firearms instructor.
- 19.** There will be no dry firing unless on the firing line and permission has been granted by the firearms instructor.
- 20.** Anyone using the firearms range shall be responsible for any/all set-up required and any/all clean-up required, to include picking up brass, trash and putting away targets.
- 21.** Anyone using the firearms range will be responsible for the appropriate use of any/all firearms targets and equipment.
- 22.** Nobody using the range shall be under the influence of alcohol, liquor, or drugs, except those drugs prescribed by a medical physician that have been approved of by a medical physician to be safe if used during firearms training.
- 23.** All vehicles will be parked in designated parking areas only, except for training purposes, approved by the firearms instructor and the Chief of Police. Designated parking areas are considered part of the firearms range for the purposes of this policy.
- 24.** Users must be in compliance with, and not violate any, city, state or federal statutes, City of Alliance policies or Alliance Police Department policies while using the firearms range.
- 25.** Any firearms range violations will be reported immediately via the chain of command.
- 26.** The firearms instructor has the authority to remove anyone from the range for any violation of the above rules and/or any safety issues that may arise.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 45. In-Service Training

- I. Policy:** Police training must be a continuing process and cannot stop after basic training. The growing social, economic and legal problems facing law enforcement present a need to continually reinforce the officers' previously acquired knowledge and provide a means of keeping current with society's ever-changing complexities. To meet this need, the Department conducts in-service training programs, utilizes seminars and/or schools, and provides occasional bulletins, training keys or memorandums as a desirable adjunct to conventional training.

Each officer of this Department will, at a minimum, receive thirty-two (32) hours of in-service training. Topics will include the following:

- a. A minimum of two (2) hours of anti-bias and implicit-bias training;
  - b. Firearms;
  - c. Officer wellness;
  - d. Legal updates, including, but not limited to, legislative changes and First and Fourth Amendment issues; and
  - e. Vehicular pursuit policy review
- II. Procedure:** The in-service training program is administered by the supervisory staff of the Department under the direction of the Chief of Police. They are responsible for developing, conducting and evaluating in-service training programs.
1. The training officer in a particular training discipline will examine training needs expressed or discovered and develop curriculums contingent on resources.
  2. The training officer in a particular training discipline will provide in-service training in a number of class settings as determined by supervisory staff and the Chief of Police. Attendance will be mandatory unless excused prior to the training date and a make-up date is being offered.
  3. The training officer in a particular training discipline will maintain a file of all officers in attendance and provide the records of training to supervisory staff to be documented in the training file.
  4. Officers attending seminars or schools outside of the Department will provide a copy of the training certificates to supervisory staff to be documented in the training file.

5. Training bulletins and training memorandums will be issued to all staff members and documented in the system.
6. The Department will utilize seminars and schools outside of the Department for training at times. Officers wishing to attend specialized schools should seek approval through their supervisor, who will forward via the chain of command.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **46. Report Writing**

- I. **Policy:** Regardless of how exhaustive, an investigation is only as thorough as the reports documenting it. Report preparation is of significant case importance and an integral part of the duties of each officer of the Department.
- II. **Procedures:** All reports shall be completed in accordance with governing General Orders, Department directives and the following procedure:
  - A. Officers in the field shall be responsible for initial reporting of incidents. The primary officer will have the report responsibility unless otherwise directed by a supervisor.
  - B. Officers are responsible for completing and submitting all reports as required or necessary in the performance of their duties. All reports shall be recorded in an accurate, concise and complete manner.
  - C. Unless approved by a supervisor, all documentation on each call for service received or generated in the Records Management System (RMS) shall be completed by the assigned officer prior to the end of his/her tour of duty.
  - D. Calls for service that generate an incident report involving the custodial arrest of a person, shall normally be completed the same shift, but no later than the following shift, and submitted to the supervisor for approval. In cases where a more exhaustive investigation is needed, the officer should notify his/her supervisor for approval for more time for full report completion, but he/she shall have up-to-date documentation in his/her report of the investigation.
  - E. Calls for service that generate an incident report involving no immediate arrest, that involve elaborate investigative measures, or are needed for general documentation, should generally be completed within the work week. Officers needing more time on

such reports will notify their supervisor of the progress of the investigation and the reasons for the need for more time.

- F. Accident reports shall normally be completed the same shift, but no later than the following shift, and submitted to a supervisor for approval.
- G. Supplemental reports are equally as important as all other reports and shall be completed in the same timelines as set forth above.
- H. All reports will be completed in the Department Records Management System or in the TRACS system.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **47. Narcan**

- I. **Purpose:** The purpose of this policy is to provide sworn officers with guidelines, instructions and procedures to utilize naloxone in order to reduce fatal opioid overdose.
- II. **Policy:** It is the policy of this Department to provide assistance to any persons(s) who may be suffering from an opioid overdose. Officers trained in accordance with this policy and the provisions of Nebraska law shall make every reasonable effort to use naloxone to revive victims of any apparent drug overdose.
- III. **Discussion:** This policy is intended to address one of the responsibilities of all sworn officers, which is to protect the safety and welfare of all persons and the community. In this regard, officers need to recognize the symptoms that victims who are suffering from an opioid overdose display so as to ensure that fast and effective medical assistance is dispensed. Drug overdoses are a major cause of preventable death in the United States. Increasingly, this includes prescription opioids, along with illegal opiate drugs like heroin. (Opioids are synthetic substances that mimic the narcotic effect of opium, from which heroin is derived.)
- IV. **Definitions:**
  - A. **Drug Intoxication:** Impaired mental or physical functioning resulting from the use of physiological and/or psychoactive substances; i.e. euphoria, dysphoria, apathy, sedation, attention impairment.

- B. EMT: Emergency Medical Technician.** Medical care rendered by EMT practitioners, which ensure the provisions of emergency medical assistance in the field for those persons suffering from an illness or injury.
- C. MAD:** The intranasal **Mucosal Atomization Device** which is used to deliver a mist of atomized medication that is absorbed directly into a person's blood stream and directly into the brain and cerebrospinal fluid via the nose to brain pathway. This method of medication administration achieves medication levels comparable to injections.
- D. Naloxone:** An opioid receptor antagonist and antidote for opioid overdose which is produced in intramuscular, intranasal or intravenous forms. Use NARCAN® (naloxone hydrochloride) Nasal Spray for known or suspected opioid overdose in adults and children.
- E. Opioid:** An opioid is a psychoactive chemical pain medication such as, fentanyl, morphine, buprenorphine, codeine, hydrocodone, methadone, and oxycodone.
- F. Heroin:** A crystalline narcotic powder that is a highly addictive drug derived from morphine.
- G. Opioid overdose:** A medical condition that causes depressed consciousness and mental functioning, decreased movement, depressed respiratory function, and the impairment of vital functions as a result of ingesting opioids in any amount larger than can be physically tolerated.
- H. Universal Precautions:** An approach to infection control whereby all human blood and human body fluids are treated as if they were known to be infectious for HIV, HBV, and other blood-borne pathogens. The use of Nitrile gloves for purposes of this policy is a highly recommended best practice.
- I. Signs of Overdose:** A person who has overdosed may:
  - a. be breathing very slow or not breathing;
  - b. have blue or purplish lips or fingernails;
  - c. be limp;
  - d. have pinpoint pupils;
  - e. be vomiting or gurgling; and/or
  - f. not wake up or respond if you try to rouse him/her.

**V. Issuance of Naloxone:**

- A.** Naloxone for intranasal use will be issued to all sworn officers. Each kit will include:
  - a. Instructions for administering intranasal naloxone.
  - b. One (1) single-use dose delivery device

**VI. Procedures:**

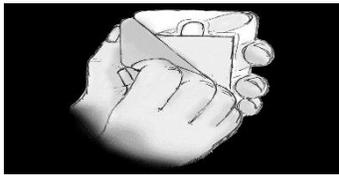
- A.** Officers shall receive Department-approved and authorized training on responding to persons suffering from an apparent opioid overdose and the use of naloxone prior to being issued an intranasal naloxone kit and/or being authorized to administer naloxone.
- B.** Officers of this Department shall receive approved and authorized refresher training on responding to persons suffering from an apparent opioid overdose and the use of naloxone every year.
- C.** Whenever an officer encounters a person who appears to be the victim of a drug overdose, the officer shall:
  - a.** Maintain universal precautions throughout the event;
  - b.** Contact and advise the dispatcher of a possible overdose and request EMS response;
  - c.** Keep the dispatcher apprised of the condition of the overdose victim;
  - d.** Perform an assessment of the victim, checking for unresponsive and decreased vital signs;
  - e.** Check for Medic Alert tags or the like, which may indicate a pre-existing medical condition, around the wrist or neck of the victim;
  - f.** Ask witnesses, family or friends of the victim what type of drug the victim ingested;
  - g.** Observe your surroundings for any evidence of drugs that may indicate what the victim ingested, such as prescription drug bottles, heroin packages, needles and syringes;
  - h.** Prior to the administration of naloxone, ensure that the victim is in a safe location and shall remove any sharp or heavy objects from the victim's reach, as the sudden onset of immediate opioid withdrawal may result in physical symptoms such as agitation, rapid heart rate, nausea, seizures and difficulty breathing;
  - i.** Administer naloxone; and
  - j.** Seize all illegal and/or non-prescribed narcotics found on the victim or around the area of the overdose, process in accordance with Department policy, and inform medical personnel of the drugs recovered.
  - k.** Once used, the intranasal naloxone device is considered bio-hazardous material and shall be turned over to EMS or hospital personnel for proper disposal.
- D. Administration of Naloxone:**



**Step #1-** Ask person if he/she is okay and shout their name.

- Shake shoulders and firmly rub the middle of their chest.
- Check for signs of an opioid overdose, such as:
  1. The person will not wake up or respond to your voice or touch;
  2. Breathing is very slow, irregular, or has stopped;
  3. The center part of his/her eye is very small, sometimes called “pinpoint pupils”
- Lay the person on their back to receive a dose of NARCAN Nasal Spray.

**Step #2-REMOVE NARCAN Nasal Spray from the box.**



- Peel back the tab with the circle to open the NARCAN Nasal Spray.
- Hold the NARCAN Nasal Spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.
- Gently insert the tip of the nozzle into either nostril.
- Tilt the person’s head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into one nostril, until your fingers on either side of the nozzle are against the bottom of the person’s nose.
- Press the plunger firmly to give the dose of NARCAN Nasal Spray.
- Remove the NARCAN Nasal Spray from the nostril after giving the dose.

**Step #3- Get emergency medical help right away.**

- Move the person on their side (recovery position) after giving NARCAN Nasal Spray.



- Watch the person closely. If the person does not respond by waking up, to voice or touch, or begin breathing normally, another dose may be given. NARCAN Nasal Spray may be dosed every 2 to 3 minutes, if available.
- Repeat Step 2 using a new NARCAN Nasal Spray to give another dose in the other nostril. If additional NARCAN Nasal Sprays are available, repeat step 2 every 2 to 3 minutes until the person responds or emergency medical help is received.
- Maintain constant observation of the victim and update dispatch and medical personnel on the condition of the victim.
- You should notice improvement in breathing in 2 to 3 minutes.

**E. Reporting:** After utilization of naloxone, officers shall:

- a. Prepare an incident report to include a description of the individual's condition, symptoms and behaviors; the fact that naloxone was deployed; EMS response; the hospital to which the victim was transported; any narcotics seized; and the outcome of the Department and EMS response.
- b. The on-scene supervisor or the on-duty supervisor will review and approve the report.

**F. Storage and Replacement:**

- A. Inspection of the intranasal naloxone kit shall be the responsibility of the officer to whom it is issued and shall be conducted by the officer prior to each shift, along with the rest of the Department-issued equipment.
- B. Do not remove or test the NARCAN Nasal Spray until ready to use.**
  - a. Check the expiration date found on the box or vial.
- C. Naloxone will be stored in accordance with the manufacturer's instructions, avoiding extreme cold, heat and direct sunlight.
- D. Missing, damaged and expired kits will be reported to the officer's immediate supervisor as soon as the discrepancy is noted.
- E. Replacement kits will be provided to officers.

**G. Training:**

Training programs should meet the following criteria: Each first responder training program shall include:

- (1) The signs and symptoms of an opioid overdose;
- (2) The protocols and procedures for administration of an opioid antagonist;
- (3) The signs and symptoms of an adverse reaction to an opioid antagonist;
- (4) The protocols and procedures to stabilize the patient if an adverse response occurs;
- (5) Opioid antagonist duration;
- (6) The protocols and procedures for monitoring the suspected opioid overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim;
- (7) The procedures for storage, transport, and security of the opioid antagonist;  
and
- (8) The method of opioid antagonist administration being taught.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **48. Body Armor**

**I. Purpose:** The purpose of this policy is to provide law enforcement officers with guidelines for the proper use and care of body armor.

**II. Policy:** It is the policy of the 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.

### **III. Definitions:**

**A. Field Patrol Activities/Assignments:** Duty assignments and/or tasks that place, or could reasonably be expected to place, officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

#### **IV. Procedure:**

##### **A. Issuance of Body Armor**

- a.** All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.
- b.** All officers shall only be issued agency-approved body armor. Any accessories, whether or not they are supplied by the agency or purchased by an officer, such as additional body armor plates, must be approved in writing by the Chief of Police or its designee.
- c.** Body armor that is worn or damaged shall be replaced by the agency. Accessories, supplied by the agency, which are worn or damaged shall be replaced by the agency.
- d.** Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

##### **B. Use of Body Armor:**

- a.** Officers shall wear only agency-approved body armor and approved accessories.
- b.** Body armor shall be worn by officers while engaged in field activities both on duty and during off-duty employment, unless exempt as follows:
  - i.** Officers who are assigned to the uniformed function are required to wear body armor during their shift while engaged in field activities. In addition, all officers must wear protective vests during high-risk and/or tactical situations. Examples of high-risk or tactical situations include, but are not limited to, search warrant executions, drug raids, initial crime scene response, and serving felony warrants.
  - ii.** When an agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor;

iii. When the officer is involved in undercover or plainclothes work that the Chief of Police or its designee determines could be compromised by wearing body armor; or

iv. When the Chief of Police or its designee determines that circumstances make it inappropriate to mandate wearing body armor.

**C. Inspections of Body Armor:**

a. Patrol supervisors and officers shall be responsible for ensuring that agency body armor is worn and maintained as required by this policy through routine observation and periodic inspections.

**D. Care, Maintenance and Replacement of Body Armor**

a. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.

b. Officers shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.

c. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.

d. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor as soon as practical.

e. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice as well as manufacture's warranties and specifications.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 49. Vehicle Occupant Restraints/Seat belts

**III. Introduction:** Research clearly shows that the use of safety belts has a significant effect on reducing the number of deaths and the severity of injuries resulting from motor vehicle crashes. The use of safety restraints reduces the risk of death and serious injury and assists officers in maintaining proper control of their vehicles in pursuit and/or emergency high-speed operations. According to the National Law Enforcement Officers Memorial Fund the second leading cause of officer on-duty death results from automobile crashes.

**IV. Purpose:** The purpose of this policy to help ensure maximum operator and passenger safety, minimizing the possibility of death or injury resulting from motor vehicle crashes.

#### **V. Policy:**

**A. Use of Seat Belts:** It is the policy of this Department to ensure the safety of all personnel and citizens while traveling in an agency vehicle. Safety belts shall be worn by drivers and passengers in all vehicles owned, leased or rented by the agency when in motion. This also applies to the operation of privately owned or other vehicles used on duty. Agency personnel shall use properly adjusted and securely fastened safety belts when operating or riding in any vehicle so equipped.

**B. Driver's Responsibility:** The vehicle's driver is responsible for ensuring compliance by all passengers.

**C. Operation of Agency Vehicles:** No person shall operate an agency vehicle or transport anyone when he/she does not have an operable seat belt.

**D. Removal of Seat Belts:** When arriving at an emergency call, a potentially dangerous situation or making a vehicle traffic stop, officers may remove the safety restraint for a quick exit just prior to stopping. In traffic stops, the officer must be reasonably sure that the violator is going to stop before removing the safety restraint.

**E. Exceptions for Undercover Officers:** Officers functioning in an undercover capacity are exempt from this policy when:

**a.** The wearing of the seat belt could pose safety problems when the officer anticipates being in proximity to a suspect while conducting undercover operations.

**b.** The wearing of the seat belt could compromise the officer's identity.

**c.** This exemption is intended to facilitate the undercover narcotics or vice officers in conducting their duties when they are about to contact street dealers, prostitutes, etc. Officers working a plainclothes detail or on routine patrol are not

exempted. Undercover officers merely in transit or on an administrative assignment are not exempted.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **50. Locked Vehicles**

#### **I. Policy:**

This Department will refer individuals who have locked their keys in a vehicle to a locksmith, car dealer or car repair business.

Only in the event of an emergency situation where life or property are in danger will officers attempt to unlock a vehicle.

#### **II. Procedures:**

- A.** A list of locksmiths, car dealers and car repair businesses will be made available to the employees and maintained in the communications center.
  
- B.** If an officer is dispatched to a call of a locked vehicle, the officer may inform the individual of this policy and assist the individual in making calls to contact a locksmith, car dealer or car repair business.
  
- C.** When people call the Department asking for assistance, the person calling will be advised of this policy and advised to contact a locksmith.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 51. Department/City Equipment-Damaged/Lost/Stolen

#### I. Procedures:

When property belonging to the Department/city is lost, damaged or stolen, a City of Alliance Accident or Incident Report will be made documenting the details of the incident. The employee having the damaged, lost or stolen equipment in the employee's charge at the time of the incident is responsible for completing this report. Once completed, the report is to be submitted to the employee's supervisor. The supervisor will review the report and ensure all the documentation for the incident is included with the report such as photographs and estimates of damage or replacement cost. The supervisor will forward the report to the Captain.

The Captain will review the report, along with other reports, which may be required to determine if negligence on the part of the employee was a factor in causing the Departmental/city property to be damaged, lost or stolen.

The Captain will make a determination as to the degree of negligence, if any, and action to be taken.

The Chief of Police will approve the report and forward it to the City Clerk. Any damage to city property report, including other city departments made by the Department, should be forwarded to the City Clerk along with photographs, insurance information if available, and any other supporting information.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 52. Police Fleet Operations

#### X. Policy:

The Chief of Police is responsible for the overall control of Department vehicles. Vehicles will be acquired consistent with the efficient and effective use of the police fleet.

The Chief of Police or its designee will be responsible for preventative maintenance, vehicle repair, distribution of mileage evenly among vehicles and the general appearance of the fleet.

Employees operating Department vehicles are responsible for maintaining an acceptable state of vehicle cleanliness, reporting vehicle repair needs and for operating vehicles in accordance with all directives and General Orders governing their use.

#### XI. Procedures:

Prior to going on patrol at the beginning of each shift, the police vehicle will be inspected by the employee assigned to it for unreported damage, contraband, cleanliness, proper fluid levels and proper working condition of all lights, tires and police-related equipment.

Any employee whose assigned vehicle is found to be deficient, whether in the areas of proper maintenance or cleanliness, may be subject to disciplinary action. Supervisors are expected to routinely inspect vehicles for compliance with the above directives.

Generally it is the responsibility of the day shift to facilitate needed repairs and routine maintenance.

#### XII. General Operating Requirements:

All police vehicles shall be operated in a manner which does not jeopardize the safety of the public and in accordance with all laws, General Orders and directives governing their use.

To safeguard the police vehicle and equipment carried within, the vehicle shall be locked when unattended.

Citizens shall be transported in police vehicles only when necessary to accomplish a police purpose. Any exception must be approved by a supervisor:

- A. A standard exception will be when an employee encounters a citizen walking during times of extreme temperatures, or in such weather conditions that they are unsafe. The citizen may be transported to a place of safety.
- B. Additionally, an employee is authorized to transport a citizen who is intoxicated and should not drive to a safe location.

### **XIII. Take Home Vehicle Program:**

Department personnel who are issued take-home vehicles by the Department must conform to City Administrative Regulations and Department policies. The Department provides take-home vehicles to insure personnel availability for emergency call-out and quick response when necessary. Each officer will be issued a vehicle for both on and off-duty use to increase visibility, the number and readiness of available personnel for emergencies and urgent calls, and improve the reliability, maintenance, and longevity of each vehicle to reduce administrative costs.

#### **A. Residency:**

All Department personnel issued a take-home police vehicle are required to live within a maximum fifteen-mile radius from the city border. Officers must be within Alliance city limits and prepared to respond in a Department vehicle when coming on duty for their assigned patrol operations shift.

#### **B. Operation of Department Vehicles:**

1. Department personnel with assigned Department vehicles may drive the vehicle outside of the fifteen-mile radius when traveling for work-related reasons and to and from his/her residence. Police vehicles may otherwise only be driven outside the city limits with the permission of a supervisor. Officers requiring use of the police vehicle outside specified boundaries past shift and/or overnight must have approval through his/her supervisor.
2. Off-duty officers operating their Department vehicle for personal errands may only do so within the city limits of Alliance. While driving a Department vehicle off-duty, officers will be armed, carry Department ID and badge, monitor the main

APD radio frequency, and be clothed in a manner that allows them to perform in an official capacity when necessary.

3. Only Department personnel may operate Department vehicles and are responsible for the safety, proper appearance, and conduct of all passengers. Employees using city vehicles for commuting to and from work and while on-call may transport family members in these vehicles on an incidental basis only (e.g. dropping children off at school on the way to work). Officers who respond to an urgent or life-threatening call when passengers are on board may deposit those passengers at a safe and convenient location before responding or notify communications center that they are unable to assist.
4. Department vehicles may be used for transportation to and from approved extra-duty employment to reduce response time when recalled to conduct city business. Department vehicles shall not be used in the functions of secondary employment.
5. Employees shall not operate a city-owned or leased vehicle when impaired by drugs or alcohol and/or with a blood alcohol content (BAC) of .02% or greater. If an employee is requested to report for duty, or called back when off-duty, and has consumed alcohol, such employee shall inform his/her supervisor. Off-duty employees who self-report alcohol consumption will not be subject to discipline for not reporting to duty because they are in an impaired condition. However, employees with excessive self-reporting incidents may be subject to discipline. Employees suspected of impairment by drugs or alcohol consumption are subject to City Administrative Regulations and Department policies.
6. Personnel operating Department vehicles shall operate the vehicle in a reasonable and safe manner, exercising due caution and judgment

**C. Crash Reporting:**

All employees involved in a motor vehicle crash while operating a Department vehicle are required to contact the local law enforcement agency and their immediate supervisor or on-duty watch commander at the time of the crash. An MF236 form shall be completed. All related police reports will be forwarded to Risk Management after completion by an administrative or records specialist.

**D. Modified Duty:**

Employees on modified duty are not authorized to operate a marked Department vehicle. The Department is not obligated to issue an unmarked vehicle to replace the issued marked unit for those employees on modified duty. Department employees issued an unmarked vehicle may continue to use it in accordance with work restrictions.

**E. Parking Vehicles When Not In Use:**

Any employee with a Department-issued vehicle may park the vehicle in a visible location at the employee's residence. Any police vehicle may be parked in a garage

or under a structure, however all police vehicles must be locked at all times when not in use. Officers must park Department motorcycles in a garage.

**F. General Items:**

1. Employees will not let their vehicles idle for more than is necessary for operational readiness or other necessity.
2. Employees will report damage to the vehicle, or any city vehicle they are driving or responsible for, as soon as practicable to their supervisor. Supervisors are required to document any damage discovered during inspections. If an employee is found to have caused damage to the vehicle due to gross negligence, the employee may be responsible for the vehicle's repair and may be subject to disciplinary action.
3. All patrol vehicles will be stocked with the following:
  - a. Blanket;
  - b. Fingerprint kit;
  - c. Fire extinguisher;
  - d. Trauma kit;
  - e. Reflective traffic vest;
  - f. Distance measuring device;
  - g. Traffic wand for flashlight;
  - h. Latex gloves;
  - i. Additional items as needed at officer/supervisor discretion.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**53. Digital Forensics**

- I. Policy:** The procedures contained in this General Order are intended to govern digital forensic services provided by the Department.

It is the policy of this Department to provide digital forensic services to law enforcement other than the Alliance Police Department. Currently, through the use of GreyKey and Magnet Forensics technology, the Department is able to download phone

data and distribute this data in a user friendly format to the requesting agency. It is the policy of the Department to assist other agencies when the following criteria are met:

- a) The requesting agency must be a law enforcement agency;
- b) There must be either a signed search warrant or a signed consent form given to the officer in charge of the forensic download. This paperwork must be scanned and saved and attached in the same folder as the saved data dump; and
- c) A chain of custody form must be signed. Signing directly onto the evidence bag will suffice for purposes of this policy.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **54. Facility Maintenance**

#### **I. Policy:**

##### **A. Facility Maintenance:**

It is imperative that the communications center be in a constant state of readiness. It is essential that all equipment be functional and properly maintained at all times. In addition, since the facility is critical during emergencies, certain mechanical systems must be immediately repaired to avoid damage to equipment and to avoid a hazard to personnel occupying the facility. Finally, certain systems are critical to our day-to-day operation and to maintain a high level of public safety. Therefore, any malfunctions must be immediately corrected.

#### **II. Procedures:**

##### **A. Equipment Malfunction:**

In the event of equipment malfunction, personnel should immediately notify the 911 telecommunications supervisor, or if not available, the Chief of Police or Captain, if this equipment is vital to the current operation of the facility, or if the malfunctioning equipment poses any threat to personnel safety or damage to property. Examples of this would include a failure of the ventilation system, non-operation of the emergency

generating equipment, failure of vital radio, telephone or computer systems, sewer problems, or other malfunctions of a serious nature. If the malfunction is not vital, report it during working hours to the on-duty supervisor, or, if there is no on-duty supervisor available, via email to supervisory staff.

**B. Facility Cleaning:**

All personnel will maintain their work areas. Personnel should ensure that all areas that they occupy during their shift be clean before they leave the facility. This should include the communications room, including the console, as well as any other areas they may occupy. Should personnel discover a shortage of any cleaning supplies, they should notify the supervisor so adequate supplies may be made available. There is a cleaning service that comes in, however you must change the trash and clean floors if it is warranted.

**ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

**55. Amber Alert**

**I. Discussion:**

The AMBER Alert plan is a cooperative effort between law-enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child abduction cases. Broadcasters use the Emergency Alert System (EAS) to air a description of the missing child and suspected abductor. The goal of the AMBER Alert is to instantly inform the entire community so that citizens may assist the search for the missing child.

The AMBER Plan began in 1996 as a legacy to 9-year-old Amber Hagerman, a girl who was kidnapped and brutally murdered while riding her bicycle in Arlington, Texas. Outraged residents contacted radio stations in the Dallas area and suggested they broadcast special “alerts” over the airwaves to help prevent such incidents in the future. As a result of the incident, the Dallas/Fort Worth Association of Radio Managers teamed up with local

law-enforcement agencies in northern Texas and developed this innovative early-warning system to help find abducted children.

## **II. Procedures:**

In the event of a child abduction, the communications center should immediately contact the Nebraska State Patrol and follow their guidance. Issuing an Amber Alert is only possible by them, and only if it meets the criteria set for such alerts.

<https://statepatrol.nebraska.gov/services/amber-alert/amber-alert-criteria>

The guidelines are as follows:

- A.** The child is the age of 17 or younger.
- B.** Police have reason to believe the child is in danger of serious bodily harm or death.
- C.** There is sufficient information available concerning the suspected abductor that the public can respond.
- D.** The notifying law enforcement agency has participated in AMBER training for purposes of issuing AMBER Alerts.
- E.** The plan is not intended for use in runaway or child custody situations.

Information about Amber alerts can be found at <https://statepatrol.nebraska.gov/amber>.

The Amber Alert request form can be found at <https://statepatrol.nebraska.gov/services/amber-alert/request-amber-alert>. Fill out this form and submit it, then call the state patrol dispatch at 402-479-4921.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **56. Station Management**

- I. Policy:** The procedures contained in this General Order are intended to control the use of the police facilities and shall be adhered to by all members.

## **II. Procedures:**

**A. Building Access:** Entry into the police facilities shall be governed by the following criteria:

All public access shall be through the front entrance. Public access to the inner facility will be determined by employees of this Department. Members of the public will be directed to the employee they wish/need to see.

Other than at the front entrance, if a member of the public is allowed access to the facility, they must be accompanied by an employee of the Department.

Each employee will be provided with the access code to gain entry to the building. This access code will be kept confidential.

When an employee is no longer employed with the Department, the access code will be changed and/or cancelled.

**B. Building Maintenance:** It is the responsibility of each employee to ensure that their respective work areas are kept clean and habitable.

## **ALLIANCE POLICE DEPARTMENT GENERAL ORDER**

### **57. Shredder Use**

**I. Policy:** It is the policy of the Department to shred all paperwork that is considered confidential and is no longer needed. This includes anything printed from the NCIC terminal considered Criminal Justice Information. There is a shred bin available for this purpose.

Any information that has been printed from the CLEIN/NCIC computer that is not needed should be shredded. The shredder bins are changed out by the vendor when full. Our contracted vendor shreds our documents on site in compliance with FBI CJIS policy.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 58. Training – Communications Center

#### I. Procedures:

Initial CTO/Field Training should consist of at least 360 hours of training for all new public safety telecommunicators, unless prior law enforcement telecommunicator experience dictates otherwise. All public safety telecommunicators are required to become state certified within one year of employment by accomplishing and/or completing the following. All new public safety telecommunicators will attend and successfully pass the APCO Communications 40-hour Basic Telecommunicator Course, Emergency Medical Dispatch Course, the NCIC Teletype Certification 24-hour Course, and CJIS Security Awareness Training. All other schools are subject to supervisor's approval and must meet budget requirements. Public safety telecommunicators must also complete a minimum of 12 hours of continuing training annually to maintain their certification and proficiency, plus any other training the Nebraska PSC may deem necessary.

New employees are encouraged to learn their jurisdiction's area as well as LEO procedures. Ride-alongs are allowed after receiving permission from a supervisor. An employee will not be covered by liability unless permission is granted. These are to be done during regular on-duty time and will not be approved for overtime.

## ALLIANCE POLICE DEPARTMENT GENERAL ORDER

### 59. Drone Policy - Small Unmanned Aircraft Systems (sUAS)

**I.Policy:** The Alliance Police Department Small Unmanned Aircraft System (sUAS) program is designed to directly assist the department in the prevention of crime, the apprehension of criminals, the preservation of public peace, and to protect the personal and property rights of the community of Alliance, Nebraska. The Alliance Police Department will operate the aircraft with specific mission goals in mind, not random surveillance, and will follow all legal requirements for obtaining information that may have evidentiary value. All operational procedures set forth in this policy will comply with all Federal Aviation Administration (FAA) regulations, Nebraska state statutes, and The Nebraska Secure Drone Purchasing Act.

**II.Purpose:** The purpose of this policy is to provide guidance and direction on the use of small Unmanned Aircraft Systems.

#### III.Definitions:

- I. Small Unmanned Aircraft System (sUAS): A small, unmanned aircraft, weighing less than 55lbs, that can be flown without the possibility of direct human intervention from within or on the aircraft. The systems are commonly referred to as “drones”. The system consists of the small, unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft.
- II. Remote Pilot in Command (RPIC): A person who holds a remote pilot certificate with a sUAS rating and has the final authority and responsibility for the operation and safety of an sUAS operation conducted under FAA part 107.
- III. Visual Observer (VO): A person whose primary duty is to assist the RPIC with scanning the airspace surrounding the sUAS operation to detect and avoid any other aircraft or obstacles in the airspace or on the ground.
- IV. Program Coordinator: The Chief of Police will appoint a program coordinator who will be responsible for the management of the sUAS program and ensuring compliance with all local, state and federal rules and regulations
- V. Notice to Airman (NOTAM): A notice containing information concerning the establishment, condition, or change in any component (facility, service, or procedure of, or hazard in the National Airspace System), the timely knowledge of which is essential to personnel concerned with flight operations.

- VI. Certificate of Waiver: Special permission the FAA issues to authorize certain types of sUAS operations not covered under the Part 107 rules.
- VII. Part 107: A set of rules in the Code of Federal Regulations (CFR) Title 14 Part 107 for operating sUAS.

#### **IV.Procedure:**

##### **I. sUAS Specifications and Requirements:**

- I. sUAS will only be operated by personnel who have been trained and certified in the operation of the system.
  - I. A sUAS Remote Pilot License/Certification shall be obtained by successfully completing the FAA US CFR14 Part 107 exam at any FAA approved testing facility.
  - II. No PPD employee will operate an Alliance Police Department sUAS without a current FAA Remote Pilot License or under direct supervision of a PPD sUAS pilot.
  - III. Taking a preparation training class prior to taking the FAA Remote Pilot test is preferred but not mandatory.
  - IV. A Certificate of Waiver issued from the FAA may be required to operate the sUAS under special circumstances, such as flying over open air assemblies, beyond visual line of sight, and other FAA defined circumstances.
- II. All sUAS flights must be for a legitimate public safety mission, training, or demonstration purpose.
- III. All sUAS flight missions shall be documented using department flight logs. Flight Logs and all documentation will be turned into Program Coordinator within two working days. (See Sub Section D).
- IV. The Remote Pilot and approving supervisor will be held accountable for any unauthorized use or misuse of the unmanned aircraft.
- V. When there are specific and articulable grounds to believe that the sUAS will intrude upon reasonable expectations of privacy, a search warrant will be obtained prior to conducting a flight.

##### **II. sUAS Operations:**

- 1. Authorized Deployments:
  - a. Critical Incidents
  - b. Vehicle Crash Reconstruction
  - c. Search and Rescue
  - d. Crime Scene photography
  - e. Pre-event mapping for security planning of public events

- f. Training
  - g. Criminal Investigations
  - h. Suspect apprehension
  - i. Mutual Aid
  - j. Interdepartmental assistance
  - k. Over-watch for public events
  - l. Monitoring problematic traffic areas
  - m. Public relations, recruitment, and retention
  - n. Monitoring and dispersing any large gatherings by using a speaker mounted system to notify violators.
  - o. Any other operation approved by an RPIC, Program Coordinator, or Chief of Police.
2. The RPIC shall know the limitations of the sUAS and is responsible for determining if the sUAS can and should be deployed. The RPIC has the authority to deny any request to deploy the sUAS based on safety factors and limitations of the sUAS or Remote Pilot.
  3. The Program Coordinator shall be notified of all sUAS deployments.
  4. In the event there are no on-duty Remote Pilots available, the on-duty supervisor/senior officer may call out a Remote Pilot for any emergency requiring the use of a sUAS. The designated sUAS Program Coordinator shall be notified of any sUAS call outs.
  5. Prior to deployment, RPIC is responsible for pre-flight checks to include any aircraft damage, checking weather reports, battery levels, area hazards, airspace restrictions / FAA required authorizations, FAA Notice to Air Missions (NOTAM) and any other safety conditions.
  6. When deploying an sUAS, the RPIC or VO (if applicable) are responsible for maintaining an unobstructed visual line of sight with the aircraft during all missions. The Remote Pilot in Command and/or Visual Observer must be able to see the aircraft throughout the entire flight in order to know the sUAS location, determine attitude, altitude, and direction of flight. They must also monitor air traffic, watch for other hazards or obstructions, and ensure the aircraft does not endanger the life or property of another.
  7. If using a VO the RPIC will maintain electronic, visual, or radio communications. The Alliance Communication Center will be notified of all take-offs and landing. All times will be documented via CAD.

#### C. Digital Photographs and Video Evidence:

1. All captured video and photographic data from Authorized Deployments will be processed as evidence and not altered, tampered with, or deleted.

2. Any digital media produced by sUAS not of evidentiary value will be forwarded to the sUAS Program Coordinator for processing, storage, and or deletion.
  3. Employees shall not record, download, or otherwise transfer sUAS recorded data onto any type of personal recording devices, including, but not limited to, personal cellular phones, video recorders, tablets, etc.
  4. All digital data will be retained in accordance with department policy.
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- I. sUAS Deployment Summary / Flight Logs:
    - I. Alliance Police Department sUAS Deployment Summary will be filled out after every authorized deployment.
    - II. Flight logs will include, at a minimum:
      - I. Date and time.
      - II. Location
      - III. Duration (flight time)
      - IV. Pilot and Supporting personnel
      - V. Summary of Activity performed
  - II. Maintenance:
    - I. Pre-flight inspection will consist of the following:
      - I. Batteries: Ensure they are charged and securely inserted (hot-swappable design).
      - II. Propellers: Check for damage and correct installation (clockwise/counterclockwise).
      - III. Gimbal: Remove the protective cover and ensure it moves freely.
      - IV. Aircraft: Verify arms are unfolded and locked, and all parts are secure.
      - V. Remote: Charge the controller, check joystick snugness, and ensure antenna is ready.
      - VI. GPS/Compass calibration
      - VII. Data storage (SD card inserted)
    - II. Post-Flight Inspection:
      - I. Physical Damage (entire airframe)
      - II. Propellers (nicks, cracks, bending, or secure attachment)
      - III. Gimbal and Camera (secure, dirt, smudges, scratches)
      - IV. Sensors and Obstacle Avoidance (Clean if needed)
      - V. Battery (Remove and inspect)
    - III. Maintenance will be based on manufacturer guidelines
  - III. Accidents and Reporting:

- I. All accidents, crashes, damage, and injuries will be reported to the Program Coordinator immediately.
- II. Any damage to the sUAS will be documented on a City Property Loss form and turned into the Program Coordinator.
- III. Accidents must be reported to the FAA within 10 calendar days if any operation of sUAS results in:
  - I. Serious injury to any person or anytime a person loses consciousness because of contact with a sUAS.
  - II. Damage to any property, other than the sUAS, unless:
    - I. The cost of repair, including materials and labor does not exceed \$500, or
    - II. The fair market value of the property does not exceed \$500 in the event of a total loss.
- IV. Training and Continuing Education:
  - I. RPICs must complete continuing mission/training requirements to remain active in the sUAS Program.
  - II. A minimum of 4 hours of training, which includes minimum of 2 hours of flight time will be required to remain an active RPIC. (Annual)
  - III. RPIC will be responsible for maintaining and reporting their Remote Pilot Certification.