

BUREAU OF INDIAN AFFAIRS OFFICE OF JUSTICE SERVICES

"I HAVE APPOINTED A POLICE,
WHOSE DUTY IT IS TO REPORT TO
ME IF THEY KNOW OF ANYTHING
THAT IS WRONG."

-THOMAS LIGHTFOOT, 1869
THE FIRST UNITED STATES INDIAN AGENT

LAW ENFORCEMENT HANDBOOK

3rd Edition

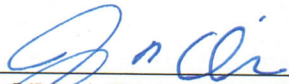


2015



Bureau of Indian Affairs—Office of Justice Services

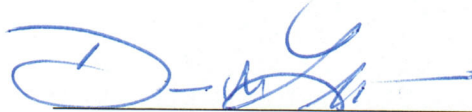
In concurrence and by order of the undersigned:



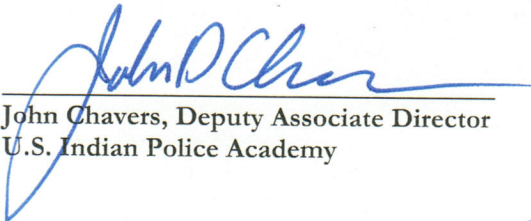
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Field Operations Directorate



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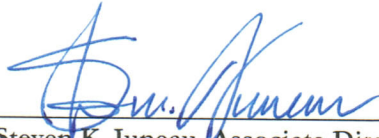
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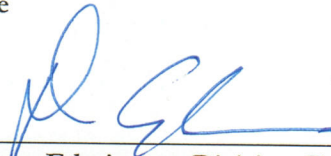
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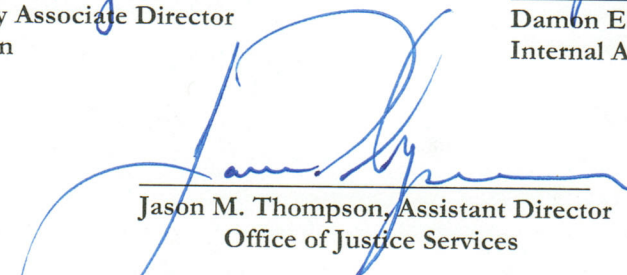
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Professional Standards Directorate



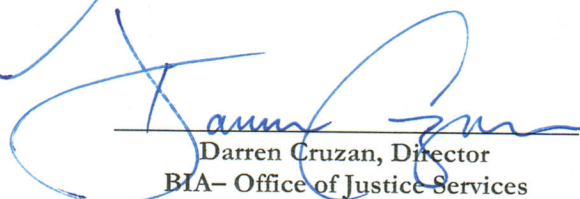
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LAW ENFORCEMENT HANDBOOK CROSS-WALK
 2ND Edition to 3rd Edition Written Directive Numbers

2 nd Edition #	3 rd Edition #	Written Directive
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2-50	3-15	Field Training and Evaluation Program
2-51	3-16	Juveniles
2-52	3-17	Community Based Programs
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BIA-OFFICE OF JUSTICE SERVICES
 LAW ENFORCEMENT HANDBOOK 3rd EDITION



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RESPONSIBILITY OF ALL OJS PERSONNEL

It shall be the duty of all OJS personnel to familiarize themselves with the contents of this Handbook and conduct themselves in accordance with its precepts. Ignorance or misunderstanding of any of the provisions of this Handbook will not be accepted as a defense against disciplinary charges.

The duties of each activity shall be made known to all throughout this organization. Lines of command are shown on the organizational chart and make it possible for anyone in this organization to contact the proper authority for action or decision on any problem.

This Handbook meets nationally recognized standards for excellence in law enforcement policies and practices. Compliance with the standards found in this Handbook is the responsibility of all personnel, but particularly that of supervisors and managers. All personnel will be held accountable for compliance with these standards.

Adoption of Handbook by Tribal Police Agencies

Tribal police agencies are encouraged to consider adoption of this Handbook as their standard operating procedures manual, understanding that some minor modifications may be necessary. The Office of Justice Services will provide technical assistance to those agencies adopting this Handbook with training and deployment of the Handbook.

AUTHORITY

By virtue of the authority vested in me as Deputy Director, Bureau of Indian Affairs, Office of Justice Services, I hereby prescribe and adopt the OJS Law Enforcement Handbook, Third Edition, as the standard operating procedures of the Office of Justice Services. This Handbook shall be the standing orders governing the actions of all personnel of this office and will supersede any former Handbook editions and any current Special Orders.



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Modification of OJS Law Enforcement Handbook for use by 638 and Self Governance Tribal Law Enforcement Agencies

The development of the OJS Law Enforcement Handbook, Third Edition, included ensuring that written directives met all applicable federal laws, current training practices at the Indian Police Academy, current law enforcement practices, and most national accreditation standards as published by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

For this reason, editing and modification of the LE Handbook is controlled as indicated in Handbook directive VIII Written Directive System.

The Office of Justice Services encourages 638 and Self Governance Tribal Law Enforcement Agencies to adopt the LE Handbook as their primary standard operating procedures, understanding that some modifications may be necessary. In order to provide a consistent means to accomplish necessary modifications, the following options are recommended. OJS personnel will provide assistance when requested to facilitate these modifications.

Option 1:

Current and future revision language in the Handbook will remain unchanged. A Directive Preface Sheet will be added at the beginning of each written directive identifying the areas within the directive which will be changed. The preface will be authorized by the proper Tribal authority. Examples of changes could be:

- A. Every instance where “Deputy Bureau Director” is found shall be replaced by “Tribal Public Safety Director” or other appropriate designation.
- B. Every instance where “OJS Manager” is found shall be replaced by “Tribal LE Agency Chief of Police (or other appropriate designation).

These are examples and other modifications would be appropriate as necessary. When the use of the LE Handbook is required by a 638 contract, the preface may also need to be approved by the appropriate BIA-OJS official.

Option 2:

Tribal Law Enforcement Agency may elect to adopt the language found in the OJS LE Handbook rather than the Handbook itself. This could be accomplished by deleting references made in the Handbook to BIA-OJS specific internal requirements. The resulting Tribal Law Enforcement Handbook while containing much of the same language would only be applicable to the Tribal Agency adopting it.



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LIST OF OJS AUTHORIZED EQUIPMENT

The Deputy Director, Office of Justice Services will issue and update this list annually to identify authorized equipment for use by OJS law enforcement personnel. Appropriate OJS managers may submit requisitions for the below items as needed and authorized. OJS Managers should check with the Director, Indian Police Academy to ensure their list is up-to-date. The use of non-listed equipment or manufacture is not authorized.

THIS LIST IS EFFECTIVE January 9, 2015 UNTIL FURTHER NOTICE

Authorized Firearms:

- Handguns
 1. [REDACTED]
- Shotguns
 1. [REDACTED]
- Rifles
 1. [REDACTED]
 2. [REDACTED]
- Weapon Light
 1. [REDACTED]

Authorized Electronic Control Devices

- [REDACTED]

Authorized Lapel Camera

- To be determined

Authorized OC Spray

- [REDACTED]

Authorized Hand Cuffs

- [REDACTED] handcuff
- [REDACTED] handcuff

Authorized Expandable Baton

- [REDACTED]

Authorized Flashlight

- [REDACTED]
- [REDACTED]

Authorized Body Armor (mfg.)

- [REDACTED] safety vest: Police/Federal Police
- [REDACTED]



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Authorized Duty Gear

- [REDACTED], right or left hand for: [REDACTED]
- [REDACTED] single cuff case
- [REDACTED] double cuff case
- [REDACTED] Mag case for: [REDACTED]
- [REDACTED] baton holder
- [REDACTED] flashlight holder for: [REDACTED]
- [REDACTED] key pouch
- [REDACTED] OC spray case
- [REDACTED] pack of 1" hidden snap belt keepers
- [REDACTED] surgical glove case
- [REDACTED] duty belt [REDACTED]
- [REDACTED] trouser belt [REDACTED]
- [REDACTED] thigh rig - black [REDACTED]
- [REDACTED] trainer belt, [REDACTED] black
- [REDACTED] belt, [REDACTED] black



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BUREAU OF INDIAN AFFAIRS

OFFICE OF JUSTICE SERVICES

Value Statement

The OFFICE OF JUSTICE SERVICES bases its operations on these statements of our values and beliefs.

We value human life...

We expect employees to perform their jobs in a manner, which emphasizes the protection of life and minimizes the risk of unnecessary injury or death to any person.

We value the principles of the Constitutions of the United States of America and the tribal governments. We value the system of laws, which govern us...

We respect the dignity and rights of the individual. We are governed by a set of laws, not individuals. We recognize that our role as an entity of the government is to uphold its Constitution and laws.

We value the communities we serve...

We believe that the reason we exist is to serve our communities. We must be open and responsive to changing conditions and needs, and we must recognize and respect diversity. We believe that it is our responsibility to keep the peace not only by enforcing the law, but also by working proactively with our communities to identify and reduce problems and by addressing their causes. We believe that community policing is an on-going process, not just a program.

We value the person...

We value the diversity of the individual, which stems from differences in race, age, sex, religion, sexual orientation, handicap, socioeconomic status, culture, and language. We will treat all individuals with courtesy, respect, and dignity.

We value our cultural heritage and traditions...

We value the cultures in the manner in which we enforce the law and we respect their traditions and beliefs.

We value organizational excellence...

We value a working environment in which individuals work as a professional team to help us achieve our mission and goals.

We value the strength of personal character in our employees...

We value open and honest communicators who display high moral and ethical conduct, integrity, adaptability, and sound judgment. We expect employees to be effective problem solvers who are personally and professionally responsible and accountable.



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OFFICE OF JUSTICE SERVICES

MISSION

The mission of the Office of Justice Services is to provide justice services and technical assistance to federally recognized Indian tribes and communities, and to respect and protect sovereignty through promotion of self-determination.

VISION

Professional law enforcement services, effective partnerships, quality technical assistance, creative problem solving and innovative policing in Indian country.

GUIDING PRINCIPLES

- Protection of Life and Property
- Maintain Order and Justice
- Prevent Crimes
- Reduce Recidivism
- Support Tribal Justice Systems
- Provide Safe, Secure, Humane Correctional Services

PURPOSE AND FUNCTION

It is the policy of the Office of Justice Services (OJS) to clearly state the role of the law enforcement agencies in the community, and to make all employees aware of the actions and attitudes expected of them so they can act without hesitation in accordance with OJS policy. Law Enforcement Rules and Regulations are contained in the OJS Handbook to emphasize their importance to the law enforcement mission, vision, and role. All personnel are encouraged to review these directives at least once each year. In the absence of a policy statement specifically governing a particular type of action or behavior, all employees will be governed by and held accountable for the basic values and expectations stated in this directive. The purpose of the OJS handbook is to define the agency's role, to state the values to which all personnel must adhere, and to form a foundation from which all other policies and procedures will follow.



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LAW ENFORCEMENT CODE OF ETHICS

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. The Office of Justice Services believes it is important that police officers have clear advice and counsel available to help them perform their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these requirements:

Primary Responsibilities of a Police Officer

Prior to assuming sworn status, all personnel will take and subsequently abide by the oath of office, as specified within the OJS handbook. All law enforcement officers are required to abide by the Law Enforcement Code of Ethics approved by the Deputy Bureau Director for OJS. All law enforcement personnel are individually responsible for achieving agency crime prevention and community relations goals and should assist fellow officers in this regard. A law enforcement officer acts as an official representative of the government; the officer is required and trusted to work within the law. The officer's powers and duties are conferred by Title 25 United States Code as applicable. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality, and justice.

Performance of the Duties of a Police Officer

A police officer performs all duties impartially, without favor, affection, or ill will and without regard to status, sex, race, religion, political belief, or aspiration. All citizens are treated equally with courtesy, consideration, and dignity. Officers shall not allow personal feelings, animosities, or friendships to influence official conduct. Laws are enforced appropriately and courteously and, in carrying out their responsibilities, officers strive to obtain maximum cooperation from the public. They conduct themselves, in appearance and manner, in a way that inspires confidence and respect for the position of public trust they hold.

Discretion

A police officer uses responsibly the discretion vested in the position and exercises it within the law. The principle of reasonableness guide the officer's conclusions and the officer considers all surrounding circumstances in determining whether any legal action will be taken. Consistent and wise use of discretion, based on professional policing competence, does much to preserve good relationships and retain the confidence of the public. It can be difficult to choose between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest - which may be correct in appropriate circumstances - can sometimes be a more effective means of achieving a desired end.



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Use of Force

The Office of Justice Services understands that the use of force is occasionally unavoidable. However, police officers shall not intentionally cause the unnecessary infliction of pain or suffering, shall not engage in cruel, degrading, or inhuman treatment of any person, and shall only use that force necessary to achieve lawful objectives. The Law Enforcement Handbook contains specific written guidelines governing the use of force and the use of lethal and intermediate force weapons which officers are required to follow.

Confidentiality

Whatever a police officer sees, hears, or learns of, which is of a confidential nature, is not divulged unless the performance of duty or legal provision requires otherwise. The public has a right to security and privacy, and information obtained about members of the public must not be improperly divulged.

Integrity

A police officer does not engage in acts of corruption or bribery, nor does an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise their integrity and that undercuts the public confidence in a law enforcement agency. Officers shall refuse to accept any gifts, presents, subscriptions, favors, gratuities, or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Cooperation with Other Officers and Agencies

Police officers cooperate with all legally authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that provide law enforcement services to a jurisdiction. It is essential that a police officer help colleagues fully and completely with respect and consideration.

Personal/Professional Capabilities

Police officers are responsible for maintaining a high standard of professionalism and take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for efficient and effective performance. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off-duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.



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LAW ENFORCEMENT CODE OF CONDUCT

1. I will faithfully abide by all laws, rules, regulations, and customs governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations, while on or off duty.
2. In my personal and official activities, I will never knowingly violate any local, State or Federal laws or regulations.
3. While a law enforcement officer, I will accept no outside employment (other than in the armed forces of the United States) without the prior approval required by the agency.
4. As a law enforcement officer, I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with complete accuracy.
5. In the investigative process, I will release information pertaining to my official duties, orally or in writing, and only in accordance with law and announced policy.
6. I will not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, or other thing of monetary value except in the context of obvious family or personal relationships where the circumstances make it clear that it is that relationship, rather than my position as a law enforcement officer, that is the motivating factor.
7. I will only accept loans from a bank or other financial institution on customary terms or in the context of obvious family or personal relationships where the circumstances make it clear that it is the relationship rather than my position as a law enforcement officer that is the motivating factor.
8. I understand that this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as set forth in Part 20 of Title 43 of the Code of Federal regulations and 446 of the Departmental Manual, which I have read. I understand that violation of this code, of 43 CFR, part 20 or DM 446 may be cause for disciplinary action including discharge from my position as a law enforcement officer.

 Signature of Officer

 Date

 Signature of Instructor/Supervisor

 Date

This Code of Conduct will be signed annually with a copy going to the employee's Personnel File



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OATH OF OFFICE

OFFICE OF JUSTICE SERVICES Oath of Office

Sworn Employees

I, _____ having been appointed as a law enforcement officer for the Bureau of Indian Affairs, Office of Justice Services, do solemnly swear, or affirm that I will support and defend the Constitution of the United States. I will faithfully support and enforce federal statutes and laws, such state statutes and laws, and such tribal codes and statutes as apply to my duties. I take this obligation freely, without any mental reservations or purpose of evasion. I will faithfully discharge the duties of the office which I am about to enter.

OFFICE OF JUSTICE SERVICES Oath of Office Sworn and Civilian Employees

I, _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter."



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STATEMENT OF ORGANIZATION

The OFFICE OF JUSTICE SERVICES (OJS) is the public safety component of the Bureau of Indian Affairs (BIA). As such, this Office provides law enforcement services throughout the United States to those areas commonly referred to as “Indian country”. These services include uniform police, corrections, and criminal investigation functions; development of policies, procedures, and standards; providing basic and advanced training; providing technical support to, and oversight of, funds provided to self-sufficient tribes; crime prevention activities; victim assistance services; tribal justice support services, and emergency management coordination.

The OJS is comprised of Directorates, Divisions, and the U.S. Indian Police Academy that administer these services. District Offices may have one or more Law Enforcement “Police Agencies” assigned to it, which provide direct operational law enforcement to the communities within their respective jurisdictions.

ORGANIZATIONAL CHART

The Office of Justice Services Deputy Bureau Director or his designee will maintain an organizational chart that identifies all existing positions, including administrative, staff, supervisory, line, and civilian positions.

CHAIN OF COMMAND

The Office is under the command of a Deputy Bureau Director, appointed by the Director of the Bureau of Indian Affairs. The Deputy Bureau Director is assisted by an Assistant Director. The Assistant Director is assisted by Division Chiefs and Associate Directors.

The Associate Directors are assisted by Deputy Associate Directors. Field Operations Directorate is also assisted by Special Agents in Charge.

Special Agent’s in Charge (SAC) are responsible for managing a District Office and one or more police agencies under the District Office. The SAC may be assisted by Assistant Special Agents in Charge, Captain of Police, and Administrative Support Staff as determined by the Deputy Bureau Director.

Agency police departments are commanded by a Chief of Police who report directly to the Assistant Special Agent in Charge. Locations with single OJS commanded criminal investigation units are supervised by a special agent who reports directly to the Assistant Special Agent in Charge.

REVIEW AND REVISION

- A. The Deputy Bureau Director or his designee will review the organizational statement and the organization chart while completing the Annual Report.
- B. The Deputy Bureau Director will add any new positions or functions.



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- C. The Deputy Bureau Director will remove any positions or functions that have been deleted.
- D. The Deputy Bureau Director may include new organization charts and functional statements in the Annual Report.



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STATUTORY AUTHORITY

A. **Limitations on the Authority of Officers.**

The United States Constitution guarantees every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of police to enforce Federal, state, county, and tribal laws. The Bureau of Indian Affairs expects its officers to act with due regard for citizens' civil liberties.

B. **Intent of the Law Enforcement Handbook.**

The Law Enforcement Handbook is designed to guide all law enforcement officers and employees engaged in law enforcement. It provides general policies, rules, and procedures and serves as an outline for law enforcement officers and employees of the Bureau of Indian Affairs, Office of Justice Services. It is important to understand that policies, rules, and procedures cannot be arbitrarily established to cover all situations that arise in law enforcement. Some decisions must be left to the intelligence, experience, initiative, training, and judgment of the individual officers and employees. In the absence of specific policy and procedure, officers are expected to make decisions consistent with the mission and value statements of OJS. Law Enforcement personnel, employed by the Bureau of Indian Affairs, are public officers, and have a responsibility to see that law and order is maintained in Indian country.

C. **Primary Law Enforcement Functions.**

The primary functions of law enforcement are:

1. The preservation of the public peace and order
2. The prevention, detection, and investigation of crime
3. The apprehension of offenders
4. The protection of persons and property
5. The enforcement of laws applicable to Indian country

For these purposes, law enforcement officers are clothed with a vital legal authority. It is imperative that all police officials know the law, its precepts, and functions as they use this power to achieve success.

D. **Basic Source of Law Enforcement Authority.**

It is important that officers understand the basic source of their authority to act as law enforcement officers or as agents of the government. They are often required to testify in court or otherwise show such authority. **Title 25, United States Code, Chapter 30**, and the **Indian Law Enforcement Reform Act** is the basis of this authority.



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DELEGATION OF BUREAU OF INDIAN AFFAIRS AUTHORITY

A. Authority of the Deputy Bureau Director, Office of Justice Services.

Pursuant to the authority in Secretary's Order No 3150, dated May 11, 1992, and in accordance with Public Law 101-379, the Indian Law Enforcement Reform Act of August 18, 1990, the Deputy Bureau Director, Office of Justice Services is hereby authorized to exercise direct line authority over all Bureau of Indian Affairs law enforcement programs, *with the exception of routine law enforcement, detention and related law enforcement operations*, pursuant to 25 U.S.C. 2802(d)(2).

1. This includes:
 - a. Development and oversight of all Bureau wide law enforcement program policies and procedures,
 - b. The exercise of direct line authority and supervision of all GS-1811 Special Agents directed by the act,
 - c. The approval and certification of law enforcement commissions for all personnel described in 25 U.S.C. 2803, and
 - d. The provisions of Public Law 80-722, the Act of June 25, 1948.
2. In addition, authority is hereby delegated to the Deputy Bureau Director for investigative, enforcement, and security program provisions of Public Law 99-570, the Indian Alcohol, and Substance Abuse Prevention Act of 1998; and Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act, dated November 28, 1990. This delegation includes supervision over Office of Justice Services staff located in the central office, and the administrative authority to administer the office not limited by any other statute, regulation, Departmental or Bureau manual, or other government wide directive.
3. This delegation includes authority to supervise personnel who provide support functions, including the U.S. Indian Police Academy. These support functions are divisions of the office, and are authorized to exercise all of the authorities cited in this document, including responsibility for initiating a full range of personnel actions.

B. Authority of the Assistant Director, Office of Justice Services:

This delegation authorizes the Assistant Director to supervise Associate Directors; and the U.S. Indian Police Academy, Internal Affairs Division, Emergency Management, Land Mobile Radio Unit, DOJ Liaison, and SLEC Unit. The Directors will exercise all of the authorities cited in this document. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual.

C. Authority of the Division Chief(s):

The Division Chiefs report to the Assistant Director. This delegation authorizes the Division Chiefs to supervise assigned staff and exercise all of the authorities cited in this document. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual.



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D. Authority of the Associate Directors:

This delegation authorizes the Associate Directors to supervise Deputy Associate Directors and Directorate staff within the directorate. Directorates are Professional Standards, Field Operations, Tribal Justice Support, and Support Services. The Directorate will exercise all of the authorities cited in this document. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual.

E. Authority of the Deputy Associate Director:

This delegation authorizes the Deputy Associate Director to supervise staff located within the assigned directorate. The Directorate will exercise all of the authorities cited in this document. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual.

F. Authority of the Special Agents in Charge (SAC's):

This delegation authorizes the Special Agents in Charge to supervise District Office and Agency staff located at the Bureau of Indian Affairs Agencies. The SAC's may exercise all of the authorities cited in this document, which includes initiating a full range of personnel actions. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual.

G. Authority of the Assistant Special Agents in Charge (ASAC's):

This delegation authorizes the Assistant Special Agents in Charge as delegated by the Special Agent in Charge to supervise District Office and Agency staff located at the Bureau of Indian Affairs Agencies. As delegated, the ASAC's may exercise all of the authorities cited in this document, which includes initiating a full range of personnel actions. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual.

H. Authority of the Chief of Police (COP's):

This delegation authorizes the Chief of Police as delegated by the Assistant Special Agent in Charge to supervise Agency staff located at the Bureau of Indian Affairs Agencies. As delegated the COP's may exercise all of the authorities cited in this document, which includes initiating a full range of personnel actions. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual. The authority of the Chief of Police and Supervisory Special Agent as it relates to the operation of uniformed law enforcement and criminal investigations is documented in 5 and 10 BIAM. Special Agents have the authority to investigate and present for prosecution cases involving violations of section 1152 and 1153 of Title 18, United States Code and other applicable Federal laws within Indian country



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I. Authority of the Supervisory Special Agents of Agency CIU (Non-COP locations):

This delegation authorizes the Supervisory Special Agents Chief of Police as delegated by the Assistant Special Agent in Charge to supervise special agent and administrative staff in locations without a BIA Chief of Police. As delegated the SSA may exercise all of the authorities cited in this document, which includes initiating a full range of personnel actions. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual. The authority of the SSA as it relates to the operation of criminal investigations is documented in 5 and 10 BIAM. Special Agents have the authority to investigate and present for prosecution cases involving violations of section 1152 and 1153 of Title 18, United States Code and other applicable Federal laws within Indian country.

J. Authority of the District Captain of Police:

The purview of the position of district captain of police is to provide uniform police support and assistance to the District Office and Agency Chiefs of Police. Support and assistance is in the form of training, corrective action support team, administrative investigation, and delegated authority to serve as acting chief of police at the discretion of the Special Agent in Charge. When serving as an interim Chief of Police, delegated authority is provided to exercise all of the authorities cited in this document, which includes initiating a full range of personnel actions. This delegation includes authority to approve all travel and overtime within restrictions published in 42 BIAM and the 200 series of the Departmental Manual. The authority is documented in 5 and 10 BIAM.

RE-DELEGATION

- A. Re-delegation of authorities herein is reserved to the Director, Bureau of Indian Affairs, the Deputy Bureau Director, Office of Justice Services, and the Assistant Deputy Bureau Director, Office of Justice Services.
- B. All re-delegations are published in 10 BIAM.
- C. No re-delegations are authorized for publication as area addenda to 10 BIAM.

AUTHORITIES LIMITED TO THE DEPUTY BUREAU DIRECTOR, OFFICE OF JUSTICE SERVICES

- A. The delegation in this section does not include:
 - 1. Authority to take final action on any matter, which must have headquarters staff review in accordance with statute,
 - 2. Requirements published in the Department of Interior Manual DM 446 and others as appropriate,
 - 3. Requirements published in the Code of Federal Regulations, or in the Bureau of Indian Affairs Manual (BIAM),
 - 4. Authorities that may not be delegated below the headquarters level as published in Part 200 of the Departmental Manual, or
 - 5. Restricted authorities published in 10 BIAM.
- B. All memoranda of understanding, memoranda of agreement, cooperative agreements, or any other instruments of interagency working relationships are concurred with and signed by the Deputy Bureau Director or his designated representative.



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- C. Office of Indian Justice Service's budget planning and forecasting shall not be delegated below the Deputy Bureau Director level.
- D. All policies, procedures, and standards affecting the direction and guidance of the Office of Justice Services programs remain the responsibility of the Deputy Bureau Director for concurrence and implementation strategy.
- E. Responsibility for organization and changes to the existing Office of Justice Services is retained by the Deputy Bureau Director with concurrence by the Director, Bureau of Indian Affairs, consistent with all 101 DM and 5 BIAM requirements.
- F. All waivers of policies, procedures, or standards that are within the authority of the program are approved and signed by the Deputy Bureau Director, unless prohibited by statute, regulation, OMB Circular, Executive Order, Departmental Manual, Bureau of Indian Affairs Manual, or any other applicable directive.



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VIII WRITTEN DIRECTIVE SYSTEM

POLICY

OJS policy is to maintain a system of written directives in an OJS Handbook and to provide for its distribution, accountability, and updating. The OJS Deputy Bureau Director has the sole authority to issue, modify, and approve all written directives contained in the Handbook. The Handbook also contains the organization's specific mission, values statement, policies, rules, and procedures.

The contents of this Handbook and Division/Function specific associated Standard Operating Procedures (SOP) are to be considered "**Law Enforcement Sensitive**" with restricted distribution. OJS personnel will not provide copies or share the contents of OJS Manuals or Standard Operating Procedures to/with any non-law enforcement individuals or organizations without the express written approval from the Deputy Director, OJS through the FOIA process.

RULES AND PROCEDURES:

VIII-01 OJS HANDBOOK

- A. Written directives provide employees with a clear understanding of the constraints and expectations relating to the performance of their duties. The OJS Deputy Bureau Director issues written directives in the OJS Handbook. The Handbook contains General Orders, Uniform and Investigative Orders, Special Operations Orders, Administrative Orders/Support Operations and specific Division Orders that remain in full force and effect until amended or rescinded by the Deputy Bureau Director. These directives establish policies, procedures, and/or rules, which affect the entire organization. They are the most authoritative directives and take precedence over all other internal directives.
- B. All personnel in the organization receive a copy of the OJS Handbook. Handbooks are distributed in hard copy or on CD, as appropriate. In addition, the Handbook is strategically located throughout the organization.
- C. All OJS personnel are responsible and accountable for complying with the policies, rules, and procedures contained in the Handbook. Personnel are responsible for maintaining the OJS Handbook and any subsequent Special Orders issued to them.
- D. References in the Handbook stating "he", or "his" should be considered non-gender specific and should be considered as being he/she or his/her unless the context of the sentence is truly intended to be gender specific.



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VIII-02 AUTHORITY FOR ISSUANCE OF OJS DIRECTIVES

All written directives of the organization shall be issued only upon the approval of the Deputy Bureau Director. During the approval process, if the Deputy Bureau Director deems it necessary for a written directive to be modified, the modification must conform to all federal laws, DOI and BIA rules, as well as any current contracts and/or Memorandums of Understanding. The Deputy Bureau Director may vest in others the authority to issue specific types of directives such as the authority for District Special Agents in Charge to issue District Directives, and Chiefs of Police to issue Agency/Facility Directives. However, no District, Agency, or Facility Directive will conflict or contradict an OJS Directive.

VIII-03 DISTRICT/DIVISION DIRECTIVES

District/division directives which augment OJS policies or procedures will be reviewed by the Director, U.S. Indian Police Academy, prior to their publication to ensure that conflicts do not exist. A copy of all district/division directives will be furnished to the Director, U.S. Indian Police Academy and Office of the Deputy Bureau Director, OJS. District Special Agents in Charge and Division Chiefs may develop additional written directives within the scope of their district/division. In no case will these directives conflict with the OJS Handbook. Division directives may be contained in a Division Standard Operating Procedures (SOP).

VIII-04 OJS SPECIAL ORDERS

OJS Special Orders are written directives issued by the Deputy Bureau Director to govern particular situations such as revisions to the Handbook, etc. OJS Special Orders will be issued by the OJS Deputy Bureau Director when there is an immediate need to notify each employee of a change in policies, rules, or procedures until a new revision to the OJS Handbook is distributed. Special Orders remain in effect until appropriate revisions are made to the Handbook. OJS Special Orders replace previously used document titles such as "National Policy Memorandum", "Interim Policy", etc. Any official change to OJS written policy will be published as an OJS Special Order, signed by the Deputy Bureau Director.

VIII-05 OJS INFORMATION BULLETINS

OJS Information Bulletins are notices issued by the Deputy Bureau Director containing information, advisories, or announcements of general or specific interest.



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VIII-06 OJS SPECIAL ORDER AND INFORMATION BULLETIN PUBLICATION

- A. Special Order and Information Bulletin numbers are issued using the last two digits of the year, followed by a hyphen and sequential number starting with 1, each calendar year, e.g. OJS Special Order 14-01, Bulletin 14-01.
- B. Procedures for publishing a special order/information bulletin and acquiring a document number:
 1. The author of the document must furnish the Director, U.S. Indian Police Academy with a copy of the document either by fax, email, or by inter-office mail.
 2. The Academy Director will proof read the document for grammar and proper format then forward the document to the Assistant Director for concurrence and submission to the Deputy Bureau Director for signature.
- C. Number logs shall be maintained by the U.S. Indian Police Academy.
- D. A Special Order that directs the incorporation of a change to the OJS Handbook will normally be published with the revision attached.
- E. When a Special Order is used for a temporary change in the OJS Handbook, an expiration date will be included.
- F. The U. S. Indian Police Academy will file the original.

VIII-07 DISTRIBUTION OF OJS HANDBOOK, SPECIAL ORDERS, AND INFORMATION BULLETINS

- A. In order to ensure that all personnel of the organization receive copies of the Handbook, handbook revisions, Special Orders, and Information Bulletins, distribution will be made as follows, with each succeeding level of command responsible for the delivery of the documents to their subordinates.
 1. Copies of the Handbook, handbook revisions, Special Orders, and Information Bulletins for personnel will be delivered to the appropriate District SAC and/or Division Chief by the IPA with a "*Handbook/ Revision/ Special Order/Information Bulletin Tracking Form*" (VIII-A). The documents will be forwarded down the chain of command with each succeeding level acknowledging receipt by written signature and date received.
 2. The OJS manager will use the provided *Handbook/Special Order Sign-Off sheet* (VIII-B) and have sufficient copies of the document duplicated to provide distribution to all affected employees under his/her command. Completed sign-off sheets will be returned to the District Office for storage as provided for below.



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3. The OJS Manager will forward the copies to each agency/facility under his command and the Chiefs' of Police will ensure that all personnel under their command sign and date the sign-off sheet indicating receipt as they are issued a copy of the handbook, revision(s) Special Order, or Information Bulletin. Personnel must sign for their own document and no exceptions will be made. Immediate supervisors are not authorized to sign on behalf of their employees. Sign-off sheets will be returned to the district office for retention. The sign-off sheets will be retained by the district/division commander for a minimum of three years.
4. Following distribution of the handbook/revision/special order/Information Bulletin, district/division commanders will acknowledge receipt and completed distribution on an inter-office correspondence, which will be provided in the initial packet. This document will be maintained by the IPA.

B. When a Special Order requires an addition, deletion, or change in the Handbook, the procedure may be accomplished in one of several forms. The change may be in the form of insertion of page(s) to replace page(s) currently in the Handbook. The page(s) may be inserted as additions to the Handbook. The Special Order may simply identify language to be deleted or hand written in a particular place in the Handbook. In every case, instructions will be included with the Special Order.



C. Changed and additional language will be easily identified by the use of Arial Bold font letters and an arrow on the left of the text. When a new change occurs, the previous changes will revert to the standard formatting.

VIII-08 PROPOSED CHANGES TO OJS HANDBOOK

- A. Any employee may propose a change to existing policies, procedures, or rules, and/or suggest new policies, procedures, or rules. If the change is intended to become a part of any of the Handbook, the employee (requester) initiating the revision must complete an "*OJS Handbook Revision Request Form*" VIII-C. The request will be submitted to IPA for review and evaluation.
- B. After the evaluation is completed, the IPA will initiate an OJS Special Order if the proposal is to be incorporated as an amendment to the OJS Handbook. The IPA will submit the proposal to the Deputy Bureau Director for approval and signature.
- C. In order to keep the Law Enforcement Handbook as current as possible, any OJS employee that becomes aware of outdated material in the Handbook should notify the IPA through their chain of command and identify the source for new material. Examples of changes that occur could be changes in law, court decisions, new training techniques or equipment, etc. IPA will review and initiate appropriate updates as soon as possible.



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VIII-09 HANDBOOK TEMPORARY WAIVER REQUEST/REQUEST FOR ADDITIONAL RESOURCES

Due to a number of factors found at specific District offices, police agencies and corrections facilities, some policies, rules, and regulations introduced in the 2nd edition of the OJS Handbook and retained or added in the 3rd edition may not be currently attainable. A *Handbook Temporary Waiver Request* (VIII-D) and a *Request for Additional Resources* (VIII-E) form has been developed to allow SAC's COP's to identify and address these issues, using the following steps:

1. When a SAC or COP identifies a directive section or subsection that cannot be completely complied with, a *Handbook Temporary Waiver Request* form will be initiated. If the reason for non-compliance is identified as a lack of resources, the *Request for Additional Resources* form will also be initiated.
2. When completed this form(s) will be forwarded up the chain of command to the appropriate Division Associate Director for approval. The Associate Director will review and approve the request(s), as appropriate and return a copy through the chain of command to the initiating party. A copy will be forwarded to the Deputy Director, OJS for his review.
3. It is anticipated that compliance will be attained within the requested period. However, should it not be, a new request form must be generated. In any case, request forms will be completed no less frequently than annually. Active requests will be attached to all required Annual Reports.



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1-01 ETHICS AND CONDUCT

POLICY

All law enforcement officers are expected to abide by a code of ethics and conduct both on and off duty.

RULES AND PROCEDURES

1-01-01 GENERAL INFORMATION

A. Code of Conduct.

All sworn personnel must sign the Code of Conduct. Officers will receive annual re-training on the Code of Conduct.

B. Code of Ethics.

See Organization-II Law Enforcement Code of Ethics and Conduct.

C. Fund Raising and Endorsements.

Employees are prohibited from endorsing, in an official capacity:

1. The proprietary products or processes or manufacturers or the services of commercial firms for advertising, publicity, or sales purposes.
2. Causes or charities, in an official capacity, unless prior approval has been granted.

D. Prohibition Against Buying or Selling Items Associated with Their Employment.

Officers are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention, or which arose out of their law enforcement employment.

E. Limitations on Public Statements.

The following limits are established regarding public statements and opinions expressed by employees:

1. Officers will not make public addresses, publish material, or submit materials for publication concerning the affairs of the law enforcement agency without permission of the Chief of Police or Special Agent in Charge. Officers will not seek personal publicity in the course of their employment.



2. Officers will not state their opinions or evaluations of any programs, institutions, other law enforcement agencies, or their agency when this might be construed as the official opinion of their law enforcement agency. Only the Special Agent in Charge can offer official opinions of his/her law enforcement agency. Only the Special Agent in Charge or an authorized representative will state the official opinion of the Bureau of Indian Affairs, Office of Justice Services. All other opinions will be identified as personal or individual.

F. Actions Prohibited While On Duty.

Officers are prohibited from engaging in the following activities or actions while on duty:

1. Sleeping or inattentiveness.
2. Recreational reading except at meals, but never in a patrol vehicle,
3. Conducting private business,
4. Carrying articles that distract from the proper performance of their duties,
5. Entering or loitering in taverns, theaters, or any other public places except to perform a law enforcement task,
6. Possessing, purchasing, using, or being under the influence of intoxicants or controlled substances other than those prescribed by a physician, and only then with the knowledge of their supervisor and to the extent that such drug use does not impair an officer's performance,
 - a. This provision does not restrict the actions of a plainclothes officer to purchase or use intoxicants in the performance of his duty with the approval of his supervisor.
 - b. This provision does not restrict officers from possession of these items when necessary to perform a law enforcement task, such as the entering of evidence into a property storage area.
7. Unfit for duty because of excessive use of intoxicants or drugs,
8. Gambling or card playing except in the necessary performance of law enforcement duties,
9. Becoming involved in any labor disputes except in the necessary performance of law enforcement duties, and
10. Any other behavior detrimental to the law enforcement agency.

G. Activities Prohibited While in Uniform.

Officers are prohibited from the following actions or activities while in uniform:

Drinking or purchasing any alcoholic beverages.

H. Activities Prohibited Both On and Off-Duty.

Officers are prohibited from engaging in the following activities or actions both on or off-duty:



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1. Personal associations with persons who have an open and notorious reputation in the community for criminal behavior (immediate family ties excluded), except in the discharge of their official duties or with the permission of the Special Agent in Charge.
2. Any act or omission which violates law, regulations, agency policy, standards or procedures except in the performance of duty with the express and prior authorization of the employee's supervisor and chain of command.
3. Seeking the influence or intervention in law enforcement agency affairs by any person outside the law enforcement agency for purposes of personal advantage.
4. Engaging in, or conducting a work stoppage or strike.
5. Using business cards that refer to the law enforcement agency other than in connection with official business and in conformance to the form approved by the law enforcement agency.
6. Using equipment in a manner not specified in the rules or procedures, or in a manner other than for the intended use, unless justified.
7. Religious Use of Peyote or any other illegal substance. The prohibition against drug use includes a prohibition against the use of peyote or any other illegal substance by law enforcement officers, regardless of whether it is used in a legitimate religious ceremony or not. A U.S. Solicitor's opinion indicates there can be no reasonable accommodation of a law enforcement officer's legitimate religious requirements for the ingestion of peyote. The inherent danger of the duties involved and the degree of public trust inherent in the law enforcement function require officers to be available, fit for duty, on an emergency basis, including emergency call-out.

I. Required Actions.

In addition to those actions identified or implied in the code of ethics and the code of conduct, officers are directed to take the following actions:

1. Be punctual in reporting for duty at the time and place designated by their supervisors.
2. Attend in-service training sessions at the direction of the Special Agent in Charge or his designee.
3. Keep their supervisors informed of any unusual activity, situation, or problem with which the law enforcement agency would logically be concerned.
4. Notify their supervisor in writing any time they are involved as a witness, victim, or suspect in any situation under investigation by this or any other law enforcement agency.
5. Report their involvement as a plaintiff or defendant in any civil action resulting from their activities as a law enforcement officer in writing, through the chain of command, to the Special Agent in Charge.



6. Obtain approval from their chain of command prior to the use of law enforcement agency property, facilities, or equipment for a non-law enforcement related activity.
7. Advise their immediate supervisors of any instance when they are required to take prescription medications which impair the user's mental or physical performance. Notification will include the name of the medication and the nature of the illness.

J. Political Activities.

Officers must comply with the requirements of applicable federal or tribal code dealing with participation in political activity.

K. Return of Agency Property upon Separation or Leave.

When officers resign, are discharged, or in any way terminate their association with the law enforcement agency, they will surrender all law enforcement agency property in their possession prior to receiving clearance from the agency.

L. Residence and Telephone Requirements.

1. Officers will maintain a telephone or communications equipment in their residence.
2. Officers will keep the law enforcement agency informed of their current residential street address and home telephone number. Any change will be reported to the law enforcement agency within twenty-four hours after making such change.

M. Correspondence-Acceptable Use Policies

1. Officers will not use law enforcement agency stationary for private correspondence.
2. Officers will not correspond in the name of the law enforcement agency without permission from their supervisor.
3. Any officer receiving a written communication for transmission to higher law enforcement command, in every case, will forward the communication without delay. An officer who receives a communication from a subordinate directed to a higher command will endorse it indicating approval, disapproval, or acknowledgment.
4. Officers will not use the law enforcement agency's address as a mailing address for their private purposes.
5. The use of law enforcement agency telephones, computers, electronic mail, and copy/facsimile machines is restricted and may be monitored at any time. Limited personal use guidelines are set forth in the DOI Acceptable Use Policy for Telephones, Equipment, and the Internet.



6. Government provided telephones and telecommunication equipment and services are for official business. Employees may make and receive personal telephone calls during duty hours that are necessary and in the interest of the Government. Examples of personal calls that are in the interest of the Government are calls to:
 - a. alert household members about working late or other schedule changes;
 - b. make alternative child care arrangements;
 - c. talk with doctors, hospital staff, or day care providers;
 - d. determine the safety of family or household members, particularly in an emergency;
 - e. make funeral arrangements;
 - f. reach businesses or Government agencies that can only be contacted during work hours.
 - g. arrange emergency repairs to vehicles or residences.
7. In making purely personal calls, employees must ensure that, all long distance calls are made at their own expense (except while on overnight travel status when an employee may make a brief call home), the calls do not adversely affect the performance of official duties or the organization's work performance, and the calls are of reasonable duration and frequency.
8. As long as no additional costs are imposed on the Government than what would be incurred by using other methods of communication, OJS employees may use their Government provided mobile phone for personal use to the same extent that they use other Government telephones whether at their duty station or on official travel. Because rate plans are determined by business requirements employees may be responsible for charges that exceed their rate plan due to personal calls. Employees should be cautioned that most mobile phones are not a secure way to communicate and monitor their discussions accordingly.

N. Conduct During Suspension or Other Release from Active Duty.

1. Upon suspension or release from active duty, supervisors will require officers to surrender any weapon, badge, vehicle, identification card or other issued law enforcement equipment. Supervisors will conduct an inventory of all issued items to ensure they are returned.
2. Officers will not wear their uniforms during a suspension or release from active duty, nor will they take any law enforcement action other than what might be expected of a citizen performing a civic duty.
3. During a suspension or release from active duty, officers remain subject to law enforcement agency policies, standards, procedures, rules and directives.
4. During suspensions or other release from activity duty, officers will not perform law enforcement activities for any other law enforcement agency.



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5. Court Attendance during Suspension.

- a. Supervisors will make every effort to check court schedules prior to establishing the actual effective dates of suspension.
- b. When a conflict exists that cannot be resolved either by establishing different effective dates of suspension or the rescheduling of the court case, the prosecuting attorney handling the case will be notified that the officer is suspended.

1-01-02 NOTICES AND ANNOUNCEMENTS

- A. Employees will obtain prior approval from a supervisor before posting notices or announcements on bulletin boards.
- B. Officers will not mark, alter, deface, or remove any posted notice without authorization.

1-01-03 CALL IN AND EMERGENCY STANDBY STATUS

- A. During off-duty time, law enforcement officers must be available for call out as needed. Officers will maintain a means (such as a telephone or cell phone) by which law enforcement administrators and supervisors can contact them. Officers on standby are compensated for this status and must respond within a reasonable time. Officers that are not on standby but are called out shall respond within a reasonable time unless circumstances do not permit or are on approved leave.
- B. Officers will not be contacted off-duty except when, in the judgment of the person initiating the call, an emergency or potential emergency requires it or when management deems it necessary.
- C. When these contacts result in a significant disruption of the off-duty officer's activities, arrangements and authorization will occur so that the employee is placed on active duty status.
- D. Officers shall be subject to emergency stand-by as deemed necessary by the chain of command.

1-01-04 LAW ENFORCEMENT ACTIONS WHILE OFF-DUTY

- A. Off duty officers will act in an official capacity:
 1. If they observe an incident requiring law enforcement action, and
 2. If they have jurisdiction, and
 3. When time is of the essence, or
 4. If such action will safeguard life, property, or prevent the escape of a criminal.



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- B. If off-duty officers observe, or have their attention called to an incident requiring law enforcement action, and time is not of the essence or life or property is not endangered, they will report the incident to either the OJS law enforcement agency or a law enforcement agency that has jurisdiction.
- C. Officers will not make an arrest in their personal disputes or those of their family or neighbors unless such action is warranted by the immediate threat of serious bodily harm or property damage.
 - 1. In situations where law enforcement intervention is required, an officer who has no interest in the matter will handle the intervention.
 - 2. The officers will notify their respective supervisors.



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1-02 DISCRIMINATION, SEXUAL HARASSMENT, AND WORKPLACE VIOLENCE

POLICY

OJS endeavors to provide a working environment free from discrimination, sexual harassment, and workplace violence and is committed to investigate all reported complaints fairly and impartially to determine whether the allegations are founded. Employees that have been exposed to, or experienced discrimination, sexual harassment, or workplace violence are encouraged to file a complaint pursuant to this directive and Federal guidelines.

RULES AND PROCEDURES

1-02-01 GENERAL INFORMATION

A. Legal Basis of Equal Employment Opportunity:

1. Title VI of the 1964 Civil Rights Act, as amended, prohibits discrimination in employment or other aspects of employment such as promotion, training, discipline or discharge.
2. The Equal Pay Act of 1963 prohibits discrimination in pay based on sex.
3. The Age Discrimination Act of 1967, as amended, prohibits age discrimination of individual's age 40 or older in employment or other aspects of employment.
4. Section 503 of the Rehabilitation Act of 1973, as amended, prohibits discrimination in employment or other aspects of employment based on physical or mental handicap, including alcohol and drug abuse.
5. In 1980, the Equal Employment Opportunity Commission issued comprehensive guidelines on the issue of sexual harassment in the workplace. These guidelines define sexual harassment as a type of sexual discrimination prohibited under Title VII of the Civil Rights Act of 1964.

B. "Indian Preference" Consistent with EEO Requirements

The Bureau of Indian Affairs treats all employees and applicants for employment equally when considered for employment or the benefits of employment regardless of race, color, sex, religion, national origin, age, mental or physical health (handicap), or sexual orientation. At the same time, the Bureau is committed to implement "Indian preference" in selection for vacancies or other opportunities when qualified preference-eligible Indians are available.



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- C. OJS must also ensure that a safe work environment exists for all employees. Any employee experiencing or observing violence in the workplace must immediately report the incident to a supervisor for appropriate safety measures.

1-02-02 SEXUAL HARASSMENT

Prohibited Conduct:

1. Threatening or implying that an employee's refusal to submit to sexual favors or advances may adversely affect the employee's employment, performance evaluation, wages, promotion, assigned duties, shifts, or any other condition of employment or career development.
2. Threatening or implying that a job applicant's refusal to submit to sexual favors or advances may adversely affect employability.
3. Creating a sexually harassing environment by such actions as offensive sexual flirtation, advances, propositions, verbal abuse of a sexual nature, displays of sexually graphic materials, graphic verbal commentaries about an individual's body, sexually degrading words, remarks concerning sexual preference, or such other sexually offensive conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment,
4. Taking retaliatory action of any kind against any employee as a result of that person's seeking redress for, or complaining of sexual harassment or discrimination.
5. Exhibiting any other behavior that falls within the definitions of sexual harassment as described in 29 CFR1614.

1-02-03 DISCRIMINATION AND SEXUAL HARASSMENT

Access to EEO Complaint Process

EEO complaint processing procedures are established under 29 CFR 1614. The Special Agent in Charge of each Agency or District will post this information and will identify the person responsible for investigating equal employment opportunity complaints at his location.

1-02-04 COMPLAINT PROCESSING

- A. Employees who believe that they have been discriminated against on the basis of race, color, religion, sex, national origin, age, handicap, or retaliation, will consult with an Equal Employment Opportunity (EEO) counselor prior to filing a complaint to try to informally resolve the matter.
- B. Employees must present the matter for informal resolution within 45 calendar days of the incident, or, if a personnel action, within 45 days of the effective date of the action.



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- C. The EEO counselor will conduct the final interview with the employee within 30 days of the date when the matter was referred to the EEO.
 - 1. The EEO counselor may extend the counseling period for an additional 60 days if the employee agrees in writing to postpone the final interview.
 - 2. If the agency has established a dispute resolution procedure and the employee agrees to participate, the EEO counseling period will be ninety days.
- D. The EEO counselor will provide the employee with a notice of the employee's right to file a formal complaint.
- E. The employee must file the formal complaint within 15 calendar days of the EEO counselor's notice of the final interview. The fifteen days may be extended if the employee shows that he/she was not notified of the time limit, was not otherwise aware of it, or was prevented from filing the complaint in a timely manner because of circumstances beyond the employee's control.
- F. Failure to contact the EEO counselor within the 45-day time limit or failure to file the complaint within the 15-day time limit may result in dismissal of the complaint.
- G. If the employee needs help in preparing the complaint, the EEO counselor may help the employee or the employee may secure help from a representative of his/her choice.
- H. An employee will file the written complaint using DOI Form 1892, with the Bureau Equal Opportunity Officer where the alleged discriminatory incident occurred, the Secretary of the Interior, or with the Special Agent in Charge, Office for Equal Opportunity, U.S. Department of the Interior.
- I. Employees may have a representative of choice at all stages of the complaint processing. Employees must designate the representative in writing, giving full name and address.
- J. See U.S. Department of the Interior Discrimination Complaint Processing Procedures under 29 CFR 1614.
- K. OJS Managers/Supervisors will take the following steps to ensure that the investigation can proceed without conflict between the involved parties:
 - 1. Ensure that a supervisor immediately addresses and investigates the employee's concerns and expeditiously initiates appropriate safety measures.
 - 2. Issue written orders to the involved parties to avoid contact pending the investigation.
 - 3. If necessary, remove one or more of the involved individuals to a different assignment to improve the working environment pending the investigation. If the complainant submits an unsolicited request for reassignment, it will be considered.



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1-02-05 WORKPLACE VIOLENCE

Employees must refrain from committing any physical attack, verbal harassment, and/or property crimes toward another employee. Employees will comply with this policy and immediately notify their supervisor of any violations. Troubled employees often exhibit unusual, aggressive, or disturbing behavior. Some early warning signals are:

1. Making verbal statements that reflect exceptional anger or hostility.
2. Exhibiting an increased frequency of aggressive acts.
3. Making conditional threats.
4. Starting rumors designed to damage the reputation of others.
5. Stealing or destroying property of others.
6. Demonstrating low levels of violence and aggression.
7. Verbalizing statements that suggest intent to commit physical harm, or statements made in a hypothetical context.

1-02-06 REPORTING VIOLATIONS OF WORKPLACE VIOLENCE

- A. Employees will immediately report the violation to their supervisor. Supervisors are responsible for initiating action e.g. notifying superiors, Internal Affairs, and referring the employee for psychological assistance.
- B. Emergency assistance will be requested in the event of death or serious injury.
- C. Personnel, including supervisors that fail to report incidents or threats of violence are subject to discipline.

1-02-07 SUPERVISORY RESPONSIBILITIES

- A. Supervisors will immediately address and investigate an employee's concerns and expeditiously initiate appropriate safety measures.
- B. Issue written orders to the involved parties to avoid contact pending the investigation.
- C. Assign one or more individuals to another assignment.
- D. Identify training courses for conflict resolution or stress.
- E. If the investigation reveals that an employee has violated policy, discipline should be initiated and the employee should be referred for counseling or to the Employee Assistance Program.
- F. All incidents meeting the criteria for investigation by Internal Affairs shall be forwarded for investigation.



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1-05-08 TRAINING

DOI mandatory training on EEO and Sexual Harassment will be conducted on an annual basis.



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1-03 SEXUAL MISCONDUCT

POLICY:

Sexual misconduct of any kind is not condoned and is strictly prohibited. OJS personnel found guilty of sexual misconduct will be severely disciplined and prosecuted to the full extent of the law.

DEFINITIONS:

- A. Criminal Sexual Misconduct: The abuse of authority by law enforcement personnel for sexual purposes that violate the law.
- B. Sexual Misconduct: Any sexual activity while on-duty or stemming from official duty which includes but is not limited to the use of official position and official resources to obtain information for purposes of pursuing sexual conduct.
- C. Intimate Parts: Genital area, inner thigh, buttocks, or breasts of a person.
- D. Sexual Contact: Any contact for the purpose of sexual gratification of the LE employee with the intimate parts of another person while serving in a law enforcement capacity.

RULES AND PROCEDURES

1-03-01 PROHIBITED PRACTICES

- A. Sexual Misconduct is prohibited and shall be disciplined up to and including termination.
- B. Any on duty contact by an OJS employee with the intimate parts of a citizen for the purpose of sexual gratification is prohibited.
- C. An OJS law enforcement employee shall not engage in sexual contact with another person who is in the custody of law enforcement when such employee has supervisory or disciplinary authority over that person.

1-03-02 TRAINING

All OJS employees will receive specific training annually about the elements of sexual misconduct involving law enforcement personnel.



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1-03-03 REPORTING REQUIREMENTS

- A. Any employee of the Office of Justice Services, who is made aware of any violation of this directive from any source, is required to report the alleged violation to their supervisor. The supervisor will immediately contact the Internal Affairs Division, or the command level personnel having Internal Affairs responsibility who will immediately initiate an investigation in accordance with established OJS policy. The investigation may involve other investigative elements of OJS as necessary, and any forensic evidence will be protected and processed immediately.
- B. The accused OJS employee's supervisor will not attempt to resolve a complaint of this nature with the complainant, and is required to make immediate contact with Internal Affairs or the command level personnel having internal Affairs responsibility.

1-03-04 DISCIPLINE

- A. Any OJS employee found to be in violation of this directive shall be disciplined up to and including termination in accordance with Department of Interior 370 DM 752 "*Discipline and Adverse Actions*". Criminal charges will be filed when appropriate.
- B. Any OJS employee having knowledge of a violation of this directive who fails to report the violation shall also be disciplined up to and including dismissal, and criminal charges will be filed, when appropriate,
- C. If the violation involves supervisory personnel, the reporting employee will notify the appropriate command level officer and will not be strictly held to his or her chain of command.



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1-05 DRUG TESTING

POLICY

OJS has the right and authority to require employees to submit to substance analysis for the protection of the public and the well-being of the employee. OJS complies with the Department of the Interior's Drug Testing Requirements as detailed in DOI Personnel Bulletin No: 12-10 et al, dated September 10, 2012.

The use of illegal drugs, on or off duty, will not be tolerated. Additionally alcohol possession and/or consumption while on duty and reporting for duty while intoxicated or under the influence of alcohol will not be tolerated. This policy will be in coordination with Human Resources.

RULES AND PROCEDURES

1-05-01 GENERAL INFORMATION

- A. OJS employees are in testing designated positions (TDP) by virtue of being law enforcement officers or positions that are otherwise involved in law enforcement, the protection of life and property, and public health or safety.
- B. The recreational or experimental use of any controlled substance by an employee is prohibited. No employee shall be on duty while under the influence of intoxicants or drugs nor purchase any in uniform.
- C. Upon reporting for duty, an employee shall notify his/her supervisor of any controlled or prescribed drugs or internal medications being used that may adversely impair on-duty performance.
- D. Circumstances when substance testing may occur:
 - 1. As a part of a medical examination provided for applicants.
 - 2. As a part of a routine medical examination provided for employees.
 - 3. Reasonable suspicion.
 - 4. Random testing of identified employees in sensitive positions.
 - 5. Vehicular or physical accidents.
 - 6. Voluntary submission.
 - 7. As a follow-up to counseling or rehabilitation for substance abuse.
 - 8. When an officer is involved in a use of deadly force incident.
- E. Refusal to submit to a substance test when required may result in discipline up to and including termination.
- F. Disciplinary action taken against an employee found to use illegal drugs and/or alcohol possession/use may include the full range of disciplinary actions, including removal.



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1-05-02 EDUCATION AND TRAINING

- A. Supervisory training to assist in identifying and addressing illegal drug use by employees will be required of all supervisors and may be presented as a separate course, or be included as part of an ongoing supervisory training program. Training should be provided as soon as possible after a person assumes supervisory responsibility.
- B. All supervisors shall be provided with a copy of DOI Personnel Bulletin No: 12-10 as part of the training process.
- C. The Employee Assistance Program (EAP)/Substance Abuse Program (SAP) plays an important role in preventing and resolving employee drug and alcohol use. The Employee Assistance Program Administrator will offer drug and alcohol education to all employees.
- D. Counseling referral will be available to employees who either request counseling or are referred by a supervisor. The referral may or may not be as a result of a positive drug/alcohol test.

1-05-03 RESPONSIBILITY

- A. DOI Drug Program Manager (DPM)
The DPM will provide technical management and guidance to the bureau/office heads.
- B. Drug Program Coordinator (DPC)
 - 1. The DPC will be appointed at the bureau/office level.
 - 2. The DPC shall be responsible for implementing, directing, administering, and managing the drug program within the bureau/office.
 - 3. The DPC shall serve as the principal contact with the DPM in assuring the effective operation of the collection portion of the program.
- C. Bureau/office Head
Will ensure responsibility for implementing supervisory training, and develop a training package that will inform all employees and supervisors of the Drug-Free and Alcohol Free Workplace Plan.
- D. Supervisors
Supervisors have a key role in establishing and monitoring a drug-free and alcohol-free workplace. Supervisors will be trained to accomplish these tasks.



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1-05-04 DRUG TEST FOR EMPLOYMENT APPLICANTS

- A. Applicants for the position of sworn law enforcement officer will be tested for drug or narcotic usage as a part of their pre-employment medical examination.
- B. Refusal to take the test, or test results reporting a presence of illegal drugs or narcotics is the basis of discontinuing an applicant in the selection process. Any use or possession that constitutes a felony precludes any further consideration of employment.
- C. Applicants found to be involved in the illegal sale, manufacture, or distribution of any narcotic drug will be permanently rejected.
- D. Applicants demonstrating addiction to any narcotic drug will be permanently rejected.
- E. Any improper use of any narcotic drug by an applicant after application is grounds for permanent rejection.
- F. After one year from the date of the above drug test, an applicant may reapply for the position of sworn law enforcement officer if use or possession did not constitute a felony. Applicants who previously refused the test are not eligible for further consideration.
- G. The results of drug tests on applicants for the position of sworn police officer shall be kept confidential.

1-05-05 DRUG TESTING OF EMPLOYEES FOR “REASONABLE SUSPICION”

- A. A supervisor may order a drug test on a “reasonable suspicion” basis, when there is documentation that:
 - 1. An employee is impaired or under the influence of a substance.
 - 2. The employee exhibits reduced productivity, excessive vehicle accidents, high absenteeism, or other behavior inconsistent with previous performance and there is “reasonable suspicion” to believe that the employee is impaired or under the influence of a substance.
 - 3. All employees, regardless of rank or assignment, are subject to reasonable suspicion testing and may be subject to testing under other facets of the drug-testing program.
- B. Current employees may also be ordered to take a drug test as a result of an incident or allegation:
 - 1. Where the allegation involves the use, possession, or sale of drugs or narcotics;
 - 2. Where the allegation involves the actual use of force;
 - 3. Where there is serious on-duty injury to the employee or another person.



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- C. When there is reasonable suspicion to order a drug test, the supervisor will forward a report containing the facts and circumstances directly to the Special Agent in Charge. The supervisor will make the contents of the documentation available to the employee.
- D. An employee suspected of being under the influence of alcohol while on-duty shall be ordered by a supervisor to take a breath or blood test immediately, due to the exigent nature of the use of alcohol.
- E. The responsibility for initiating a breath or blood test is shared by all agency supervisors. If a supervisor (including the Chief of Police) is suspected of being under the influence of alcohol, any other agency supervisor is hereby required to initiate the test, regardless of rank. The suspected supervisor is hereby required to take the test.

1-05-06 TESTING OF EMPLOYEES DURING ROUTINE MEDICAL EXAMINATIONS

Drug testing is a part of any routine medical examination required for promotion or specialized assignment.

1-05-07 RANDOM TESTING OF EMPLOYEES IN SENSITIVE POSITIONS

- A. Sworn employees assigned to specialized units, such as drug/narcotic enforcement duty or vice duty, are required, in addition to the requirements of all employees, to submit to periodic unannounced drug testing at the direction of their supervisor.
- B. Prior to accepting a special assignment, an employee will execute a written agreement and release stating that he/she fully consents to any medical, physical, psychiatric, psychological or other testing, including urine and/or blood for drug or narcotic substances. In addition, the agreement or release will allow access to the employee's medical records.
- C. The supervisor of a specialized unit will select the date and time when each employee assigned will be tested. The supervisor will determine the number of times that employees will be tested annually without advance notice.

1-05-08 VEHICULAR OR PHYSICAL ACCIDENTS

If substance abuse is suspected, then distinguishing characteristics should be documented that could connect the employee's behavior or conduct to substance abuse.



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1-05-09 VOLUNTARY REFERRAL

Employees may realize that they have a substance abuse problem and may voluntarily bring the problem to a supervisor's attention and enter into EAP before being mandated to submit to drug testing. The supervisor shall follow the established procedure for an employee to submit to drug testing.

1-05-10 DRUG TESTING PROCEDURES

The Office of Justice Services Deputy Director is responsible for the proper establishment of a Drug Free and Alcohol Free Workplace and utilization of approved Departmental Drug and Alcohol Testing procedures.

1-05-11 DRUG TEST RESULTS

- A. All records pertaining to agency required drug tests remain confidential and are not provided to other employees or agencies without the written permission of the person whose records are sought.
- B. Drug test results and records are stored and retained in compliance with federal law or for an indefinite period in a secured area where there is no applicable federal law.
- C. Employees having negative drug test results will receive a memorandum stating that no illegal drugs were found. If the employee requests such, a copy of the letter will be placed in the employee's personnel file.
- D. Any employee who breaches the confidentiality of testing information is subject to discipline.
- E. Test results reporting a presence of illegal drugs or narcotics, or the use of prescription drugs without a prescription, or the abuse of any over the counter drug will be submitted as a part of a written complaint by the Special Agent in Charge, requesting personnel action.

1-05-12 MANAGING AN IMPAIRED EMPLOYEE

- A. When it is determined that an employee is impaired, he/she may be placed on administrative leave pending HR review. The Agency COP/Facility SCS will consult with HR through the chain of command to determine the status of the employee and request direction.
- B. Upon determining that an employee is impaired, do not allow that individual to operate a motor vehicle or any type of machinery. It may be necessary for another employee to take the person home. Any evidence of alcohol, regardless of the amount shall be considered impairment of an officer/agent



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- C. If the employee arrived at the agency/facility in an impaired condition, consider whether the employee violated the law, i.e. was DUI and take appropriate enforcement action.
- D. The Agency COP/Facility SCS will notify the Associate Director, Directorate of Operations, through the chain of command.



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also refer to Section 1-21 Uniforms and Equipment

1-06 PERSONAL APPEARANCE AND HYGIENE

POLICY

All OJS employees shall present a neat and clean appearance when representing OJS unless excused by their supervisor due to the nature of their assignment. Employee safety is of primary concern.

RULES AND PROCEDURES

1-06-01 GENERAL INFORMATION

- A. All OJS employees while on duty, will be well groomed and present a clean appearance. Clothing and footwear will be clean and properly cared for.
- B. OJS employees will comply with the following rules regarding hair:
 - 1. Hair that is longer than seven inches will be restrained so that it does not become a safety hazard.
 - 2. Items used to secure long hair (i.e. elastic bands, barrettes) will be conservative in appearance and will not detract from the employee's professional appearance in style or color.
 - 3. Hair will be neat and clean.
 - 4. The hairstyle selected will be conducive to wearing the uniform hat.
- C. Male employees will meet the following rules regarding facial hair:
 - 1. Sideburns will not extend below the bottom of the ear and will be neatly trimmed.
 - 2. Mustaches will be neatly trimmed.
 - 3. Beards that are neatly trimmed are permissible.
- D. Law enforcement officers excused from the above regulations because of special assignment will comply with the above regulations when wearing an official uniform.
- E. Basic training students and staff shall conform to IPA regulations.
- F. Fingernails will be clean and will not restrict the ability of the officer to operate equipment or use a weapon.



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also refer to Section 1-21 Uniforms and Equipment

1-06-02 PERSONAL JEWELRY AND ORNAMENTATION

- A. Sworn male employees may wear jewelry, only if it is not offensive. Generally, this is limited to wristwatches, wedding bands, or other conservative type rings. Specifically prohibited are earrings or other items of jewelry that detract from the organizations image or constitute a potential safety hazard. Neck jewelry or ornamentation shall not be visible.
- B. Sworn female employees may wear jewelry. Generally, this is limited to wristwatches, wedding rings, or other tasteful rings. Female personnel may wear only one set of stud earrings at a time. Dangling earrings are prohibited while in uniform, and neck jewelry or ornamentation shall not be visible.
- C. Sworn female personnel wearing civilian clothes may wear conservative styled necklaces and chains. Only one necklace or chain and one set of stud earrings may be worn at any time.
- D. Nose, eyebrow, and/or tongue rings will not be worn while in uniform. Dangling fingernail rings are not allowed.

1-06-03 USE OF TOBACCO

- A. Personnel may use tobacco when they:
 - 1. Are not in a formation; or
 - 2. Do not have to leave their assignment or post for the sole purpose of doing so; or
 - 3. Are not engaged in traffic direction and control; or
 - 4. Are not in a designated non-smoking area.
 - 5. Are not in a government vehicle.
- B. When personnel are in direct contact with the public, they shall refrain from using tobacco, or should obtain permission prior to doing so from the individual(s) with whom they are in direct contact with.

1-06-04 GLASSES

Sunglasses should be removed when addressing the public.



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1-07 PHYSICAL FITNESS AND THE HEALTH AND FITNESS PROGRAM

POLICY

The BIA-Office of Justice Services requires all sworn personnel to maintain an acceptable level of physical fitness.

RULES AND PROCEDURES

1-07-01 GENERAL INFORMATION

- A. The OJS Manager is responsible for ensuring that all law enforcement personnel under his/her command are physically fit for duty per the fitness for duty requirements found in Occupational Health guidelines..
- B. Any physical examination required of full time employees will be provided at no charge to the employee in accordance with SF-78.
- C. Federal employees who are classified as GS-083 (police officers) and GS-1811 (Special Agents) and/or possess an active law enforcement commission are subject to the participation requirements of the mandatory program. Personnel in training at the Indian Police Academy or at FLETC are required to participate in the Health and Fitness Program (HFP) and to take the Physical Efficiency Battery (PEB).

1-07-02 MEDICAL EXAMINATIONS

- A. The District Health and Fitness Program Coordinator (HFPC), or OJS Manager and servicing personnel office for those smaller areas without a HFPC must insure that required medical examinations are completed. The Health and Fitness Program Coordinator or employee participant must inform the examining physician of the purpose of the examination in order to assure a proper and thorough evaluation.
- B. The person to be examined must provide the examining physician with the appropriate "Certificate of Medical Examination" SF-78 and a letter requesting a medical examination. Individual SF-78's have been developed for law enforcement personnel. An examining physician for all mandatory program participants must complete the SF-78.
- C. The medical examination includes screening for tuberculosis. A blood analysis for cholesterol, LDL, triglycerides, HDL, glucose, urea, lipids, and a CBC should be requested by the employee. If an employee submits a written request, voluntary screening for Lyme disease, HIV, and hepatitis will be conducted.
- D. The completed SF-78 and any related evaluation results must be returned to the employee's supervisor and placed in his/her supplemental personnel file.



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- E. Personnel and medical files and information must be handled in accordance with applicable federal or tribal regulations.
- F. Mandatory program participants must have a SF-78 to engage in the fitness evaluation and participate in an appropriate physical exercise program.

1-07-03 INDIVIDUALIZED HEALTH AND FITNESS PROGRAM (IHFP)

- A. Once an employee has passed the medical examination and has received an SF-78, he/she is eligible to take the Physical Efficiency Battery (PEB) to achieve fitness goals. Annual participation is mandatory.

An officer with a BIA approved medical waiver at the time that PEB's are administered must participate after receiving a medical clearance or within the time period recommended by the Unit and Bureau-wide HFP Coordinators.

- B. The results of the PEB evaluations should be recorded on a Fitness Evaluation Results Form and kept in the employee's fitness file. It is the responsibility of the employee's supervisor to ensure that PEB evaluations are completed when scheduled. All fitness files must be maintained in accordance with the Privacy Act Section 6311 of Title 5 U.S.C.
- C. Based on the results of the first Physical Efficiency Battery (PEB) evaluation, the employee and the PT Instructor may develop an Individual Health and Fitness Plan (IHFP) to assist the participant in achieving higher fitness goals. To meet goals, the IHFP should be either a maintenance and/or improvement program. The written IHFP is kept in the employee's fitness file.
- D. The employee and his supervisor are encouraged to schedule physical work related activities such as jogging, running, walking etc. The scheduled activity may also be a regular program of exercise, including such things as running, calisthenics, or weight lifting. In either case, the activities should be outlined on the employee's IHFP.
- E. Employees having difficulty in meeting any of the individual fitness goals will be monitored and assisted by the supervisor, the agency HFP coordinator, or other relevant specialists.



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F. The following general provisions apply to the HFP program.

1. Any officer certified by a law enforcement agency HFP to participate in their approved fitness program is authorized a maximum of three hours per week to perform his/her health maintenance improvement activity while on duty. The three hours are spread throughout the workweek in one-hour segments, ideally on non-consecutive days.
2. Hours of participation in physical fitness activity are not cumulative. Officers may only use three hours per week regardless of whether the officer used any or all of his time in the preceding week.
3. Compensatory time and overtime are not authorized in connection with physical fitness activities. Personnel are not authorized to participate in physical fitness activities while in an overtime status and may not receive overtime or compensatory time for activities not performed because of fitness activities.
4. An officer who is on a clinic, non-clinic, or administrative sick leave may not participate in physical fitness activities unless authorized in writing by his attending physician.
 - a. The physician must specify any limitations on physical fitness activities that may be performed by the officer.
 - b. Upon returning to a full-duty status, the officer may resume his authorized physical fitness activities unless restricted by his attending physician.
5. Authorized HFP activities are limited to stretching, brisk walking, jogging, running, bicycling, aerobic dancing, calisthenics, pool swimming, and weight lifting, or other activity, as approved by the HFP Coordinator or designee for each participant.
6. Officers may participate only in those activities that have been approved by the HFP Coordinator or designee.
7. Officers will report any physical injury that occurs while a participant in an approved on-duty physical fitness activity.
8. Participation in other off-duty physical fitness activities or sports that are not under the purview of the HFP is not considered a work related activity.
9. The Physical Efficiency Battery (PEB) is administered annually for all medically cleared officers. Evaluations are administered to all affected personnel in a single group.
10. Whenever extreme weather conditions exist at the location where the PEB is to be administered, the HFP Coordinator will determine if it is appropriate to continue with the PEB. If not, the PEB will be rescheduled within 30 days.



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G. General Guidelines for Participation in the Health and Fitness Program:

1. Officers are encouraged to participate in all aspects of the agency's Health and Fitness Program. An officer who passes his most recent PEB in all categories may at his discretion elect non-participation in on-duty physical fitness activities dictated by the Health and Fitness Program. However, he/she is held accountable to attain and maintain the standards required by the Health and Fitness Program.
2. If law enforcement officers exhibit below standard or less than acceptable levels of physical fitness, the OJS Manager will act to resolve the problems.

1-07-04 HEALTH SCREENING

A. Employees who are 40 years or younger and who are physically active as defined in this section must take the Heart Disease Risk Profile (RISKO) and Physical Activity Readiness Questionnaire (Par Q,) evaluations prior to entering the fitness evaluation program. These forms and all other forms referenced in this directive may be obtained from the HFP Coordinator.

1. If the RISKO indicates a score of "Risk Moderate" (score of 31 or less) and all answers on the Par Q are no, the employee may evaluation and participate.
2. If the RISKO indicates a score of "Greater than Average" (score of 32 or higher) or one or more answers on the Par Q are yes, the employee needs a physician's clearance prior to entering the evaluation and fitness program.
3. Employees who are pregnant regardless of age or level of fitness must receive a medical clearance before participating in the evaluation and fitness program.

B. Employees who are 40 years or younger but not presently active as defined in this section must obtain a physician's screening for arduous duties and a medical examination (including blood analysis) during the 18 month period prior to entering the required evaluation program and must take the RISKO and Par Q evaluations immediately prior to any PEB evaluation.

If the RISKO indicates a score of "Risk Generally Average" and/or one or more of the answers on the Par Q are yes, the employee needs a physician's clearance prior to entering the evaluation fitness program.

C. Employees who are 41 years or older must obtain a medical clearance to participate immediately prior to entering the required evaluation program, and must pass a stress EKG exam prior to taking the first PEB evaluation, if required by a physician.



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Employees in this category must take an arduous duty medical examination every three years thereafter, but law enforcement supervisors are authorized to require and/or permit medical examinations more often than every three years for those in high-risk medical categories, i.e., employees who have high blood pressure or heart trouble, who have an inactive lifestyle, or who have short or long-term physical medical problems. Supervisors can obtain the medical information needed to make such a determination under the provisions provided in the applicable personnel regulations.

- D. These medical examinations will not satisfy the requirements for annual physical examinations without the additional requirements identified in the applicable personnel regulations.
1. To meet the personnel requirement that physical examination requirements be applied uniformly, results of the physical examination must be forwarded to the physician designated by the OJS Manager for a medical determination as to whether or not the applicant/employee meets the established physical requirements.
 2. To avoid duplication of medical examinations, those who are in occupations with approved physical standards must have the physical examination and the fitness medical examination done at the same time. The examining physician will follow the more restrictive medical standard. The results of the physical examination must be forwarded to the Medical Program Manager, Department of the Interior, for a medical determination as to whether or not the applicant/employee meets the established physical requirements.

1-07-05

FITNESS PROGRAM COORDINATION; HEALTH AND FITNESS PROGRAM (HFP) TRAINING AND CERTIFICATION.

- A. The Academy Director, Indian Police Academy, is the Bureau-wide Health and Fitness Program (HFP) Coordinator for the Bureau of Indian Affairs. The responsibilities of this position are detailed in the HFP Program Manual.
- B. HFP Coordinators are trained and FLETC certified and re-certified every 3 years through the Indian Police Academy. HFP Coordinators have more detailed information about the Health and Fitness Program's requirements for physical fitness.
- C. Each District OJS Manager will designate a HFP Coordinator for the OJS law enforcement agencies under his command. The responsibilities of this position are detailed in the HFP Program Manual.



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D. Supervisors responsibilities in the HFP program:

1. Encourage officers to improve levels of physical fitness as measured by Physical Efficiency Battery (PEB) scores,
2. Ensure that officers under their command are afforded on-duty time to participate in physical fitness activities,
3. Ensure that officers under their command participate only in those on-duty physical fitness activities that have been approved by the HFP Coordinator or designee,
4. Take appropriate actions in instances when officers under their command do not comply with the requirements of the program, and
5. Investigate and document findings of injuries sustained by officers under their command participating in on-duty physical fitness activities.

E. Officers responsibilities:

Notify the local HFP coordinator on a timely basis of any medical condition that affects his ability to participate in the HFP.

1-07-06 FITNESS FILES

Each HFP coordinator will maintain a fitness file for each officer. The file will contain Physical Efficiency Battery evaluation results (not medical or test results), a copy of the IHFP, and a record of utilized duty time (optional).

1. The servicing personnel office is responsible for employee medical documents.
2. The HFP coordinator will refer questions and medical information to the appropriate personnel officer.
3. The examining doctor will forward all necessary medical records to the supervisor or employee who brings back the SF-78 in accordance with applicable regulations.

1-07-07 CONSEQUENCES IF YOU DO NOT PARTICIPATE

- A. There may be times when management must take action to remedy fitness problems which have become apparent through information developed from medical screening and fitness evaluation. Such action generally occurs only under extreme circumstances, such as in a case in which an individual with a significant combination of health risks and fitness problems (e.g., high blood pressure and cholesterol levels, a high pulse rate, obesity, and poor fitness evaluation performance) also has hazardous duty responsibilities. Management will consult with appropriate authorities, such as doctors, personnel officers, and fitness coordinators, and take action as deemed necessary. Such action generally consists of temporary restrictions on hazardous and arduous assignments until health and fitness improve. The basis for this action is the advice of medical experts, requirements of the job, and the safety of the individual and the work unit.



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B. If an officer fails to participate in the PEB, all factors impacting the officer's compliance with the Health and Fitness Program (e.g., extended sick leave, medical condition, special assignments, etc.) will be considered.

1. The affected officer will forward to the HFP coordinator or his designee documentation explaining his failure to participate in the PEB. This documentation will be taken into consideration prior to initiating corrective action procedures.
2. The HFP coordinator may develop a personalized physical fitness program designed to strengthen the officer's problem area(s). The HFP coordinator or his designee will closely monitor the officer's progress. Every reasonable attempt will be made for the officer to receive his allotted three hours of workout time per week.

1-07-08 FITNESS EQUIPMENT AND FACILITIES

A. The goal of the HFP is to provide minimum fitness equipment and facilities at all BIA law enforcement agencies. The OJS Manager will determine the best strategy to meet these goals. Strategies might include arranging for access to local fitness facilities, providing equipment, development, and utilization of "par courses, etc." per DOI policy.

B. If the OJS Manager elects to meet this requirement by purchasing equipment, the minimum equipment required is:

1. A sit and reach box,
2. A carpeted area for sit-ups and push-ups,
3. An indoor aerobic fitness device, and
4. Weights and weight bench.

C. If the agency elects to meet this requirement by providing an exercise/fitness area, the OJS Manager is responsible for insuring that adequate safety and emergency plans and procedures exist for the facility, and that equipment is maintained in a safe condition.

1-07-09 INJURIES

A. Injuries and occupational diseases arising from mandatory participation in the health and fitness program are compensable under the Federal Employees Compensation Act.



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- B. Coverage. These include duty-time activities and those that take place off-duty, off-premises, and on leave days and furloughs (Department of Labor, FECA Bulletin No. 87-9). The primary requisite for this coverage is that the manager or supervisor has agreed to the type of fitness activity being undertaken at the time of the incident, identified, and approved on the employee's IHFP.
- C. Injuries or occupational disease arising from participation in the program should be reported in the same manner as other on-the-job injuries.



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1-08 PEER SUPPORT PROGRAM

POLICY

The Office of Justice Services (OJS) recognizes the value of providing a way for employees and their family members to deal with personal and/or professional problems. A successful approach has been to provide a program which offers peer support in addition to a peer support counseling team. The Peer Support Program is composed of a group of peers that are training as Peer Supporters who have volunteered to be available to any member of the organization to discuss personal and/or professional problems confidentially with someone who understand and cares.

DEFINITIONS:

Peer Support Program (PSP): An organized approach to supporting OJS personnel who are involved in critical incidents of extreme stress to assist in mitigating long-term effects of stress.

Critical Incident: A "critical incident" is any event that causes an unusually intense stress reaction. The distress people experience after a critical incident routinely limits their ability to cope, impairs their ability to adjust, and negatively impacts their work environment.

PSP Coordinator: OJS PSP member appointed to serve as a team leader and liaison between the District Office and field peer supporters. The PSP Coordinator can also be a Peer Support Worker.

Peer Support Counseling Team Member: A member of the PSP trained to conduct peer support and critical incident debriefings.

PSP Critical Incident Debriefing: A critical incident debriefing is not a critique of operations at the incident. The debriefing process provides formats in which staff can discuss their feelings and reactions, thus presumably reducing the stress resulting from exposure to critical incidents.

One-on-One: A one-on-one is a meeting between a PSP member and the affected OJS employee. The meeting is a debriefing conducted by the PSP member and may be initiated by the employee, the employee's supervisor, or a co-worker after learning about a specific critical incident.

Defusing: Defusing is a stress prevention/intervention technique applied immediately after staff are released from a large scale incident and before they return to their normal duties or home. A defusing allows affected personnel to rest and take care of immediate physical needs.

Deactivation: A deactivation is the removal of an affected employee from duty for the remainder of his/her shift. Should it be necessary to relieve an employee from a subsequent shift, it will be done in coordination with the affected employee's supervisor.

Client: The individual or individuals the peer supporter provides assistance to.



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RULES AND PROCEDRES

1-08-01 GENERAL INFORMATION

- A. The PSP offers assistance and appropriate support resources to employees when personal or professional problems affect their work performance. The goal of peer support is to provide all OJS employees the opportunity to receive emotional and tangible support through times of personal or professional crises. OJS will provide professional intervention after critical incidents in order to minimize stress-related effects and begin emotional healing of staff, based on available resources.
- B. The OJS Peer Support Program provides an organized approach to the management of stress responses for OJS personnel that have been exposed to, or showing signs of, critical incident stress experienced in the line of duty.
- C. The program is designed to:
1. provide emotional support during and after times of personal or professional;
 2. promote trust, allow appropriate anonymity and preserve confidentiality for staff using peer supporters;
 3. develop peer supporters who can identify personal conflicts and provide guidance or referral to professional/alternate sources as necessary;
 4. maintain an effective peer support training and response program;
 5. support those who have had family tragedies; and,
 6. support those who have been impacted by critical incidents of extreme stress by mitigating long-term effects of stress.
 7. provide information on; Employee Assistance Program and local mental health professional resources.
- D. OJS recognizes the harmful effects of stress caused by disasters, mass casualties, shootings and other critical incidents. OJS personnel are involved in these and are, therefore, subject to critical incident stress. To minimize the adverse effects of critical incident stress the OJS has established a PSP.
- E. Role of Peer Supporters – The peer supporter provides support and assistance to employees in the time of stress and crisis. Peer supporter responsibilities are as follows:
1. Convey trust, anonymity and assure confidentiality to employees who seek assistance from the PSP.
 2. Satisfactorily complete the BIA Indian Police Academy Peer Support Training Program or the FLETC Peer Support Training Program and subsequently attend eight hours annually of PSP training provided by the BIA. This training is required for all peer supporters.
 3. Provide assistance and support on a voluntary basis.
 4. Assist the employee by referring him/her to appropriate outside resource(s) when necessary.
 5. Be available to the employee for additional follow up support.
 6. Maintain contact with the Program Coordinator regarding program activities.



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7. Peer supporter agrees to be contacted and be available to respond to be a part of a Peer Support Counseling Team at any hour.
- F. Peer Supporters Education and Training: All Peer Support Counseling Team members will be required to attend a BIA Indian Police Academy Basic Peer Support Training program and continuing education.
- G. Role of the OJS National PSP Coordinator – Acts as the primary liaison between the District PSP Coordinators. The OJS National PSP Coordinator serves as a link to ensure that the District PSP Coordinators are managing their programs in accordance with the goals and objectives established for the program.
- H. Major Duties of the OJS National PSP Coordinator include:
 1. Coordinates basic and annual training for peer supporters; and,
 2. Works with District Peer Support Coordinators in coordinating resources in response to critical incidents that require a Peer Support Counseling Team.
- I. Role of the OJS District Peer Support Program Coordinator - Acts as the primary liaison between the peer supporters located within their respective district. The OJS District Peer Support Coordinator serves as a link to ensure that the PSP is managed by the peer supporters in accordance with the goals and objectives established for the program.
- J. Major Duties of the OJS District Peer Support Program Coordinator include:
 1. working with the National Peer Support Program Coordinator in recruiting and coordinating the screening of peer support applicants;
 2. working with the National Peer Support Program Coordinator in developing resources to assist individuals who request peer support counseling;
 3. working with the National Peer Support Program Coordinator in mobilizing Peer Support Counseling Team members at the beginning of an incident;
 4. working with the National Peer Support Program Coordinator in coordinating resources in response to critical incidents which require a Peer Support Counseling Team;
 5. working with the National Peer Support Program Coordinator in offering guidance to peer supporters when problems occur; and,

1-08-02 PEER SUPPORT SELECTION PROCESS

- A. All interested OJS employees who desire to volunteer as a peer supporter must submit their request through the chain of command to their District PSP Coordinator.
- B. Prospective peer supporters must be willing to meet the following criteria:
 1. agree to maintain confidentiality within the guidelines of the PSP;
 2. be empathetic;
 3. possess interpersonal and communication skills;



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4. be motivated and willing to manage time effectively to minimally impact their normal duties;
5. able to deal with ambiguous situations;
6. reputation as a “Good Listener”;
7. observant to behavior and processes;
8. sensitive to nuances of situations and people;
9. communicate in concise but caring manner;
10. currently in good standing with the organization;
11. satisfactorily complete the BIA Indian Police Academy Basic Peer Support Training Program; and,
12. must complete on-going training on peer support annually and as directed.

C. The District PSP Coordinator will recommend candidates suited for appointment as a peer supporter to the National PSP Coordinator. The National PSP Coordinator will recommend candidates to the District Special Agent in Charge for final approval.

D. Peer supporters may voluntarily withdraw from participation at any time. All requests are to be forwarded to the District PSP Coordinator. Peer supporters will be removed from the program for conduct inconsistent with the program’s objectives.

1-08-03 POSSIBLE PEER SUPPORT COUNSELING TEAM INCIDENT RESPONSES

- A. Major disaster/mass casualties.
- B. Serious injury, death or suicide of an officer.
- C. Serious injury or death of a civilian resulting from a law enforcement operation, criminal action, traffic collision or other incident that has a profound impact on an officer or officers.
- D. Death of a child, or other incident involving profound emotional responses.
- E. Any incident which attracts unusually heavy attention from the news media.
- F. Loss of life following an unusual, or extremely prolonged, expenditure of emotional and physical energy by law enforcement personnel.
- G. Any unusual incident which produces a high level of immediate or delayed emotional response.
- H. Accumulating stress reactions over long periods of time, after involvement in many previous critical incidents.
- I. A serious incident involving an officer’s family or close friend.
- J. Any situation deemed by a supervisor to be a critical incident.



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1-08-04 CRITICAL INCIDENT STRESS DEBRIEFING (CISD)

- A. There are many methods for dealing with stress resulting from exposure to a critical incident. Among them are strenuous physical exercise and special relaxation programs within 24 hours of the critical incident. One of the most effective methods, especially with law enforcement personnel is a CISD conducted by a trained peer support counseling team member.
- B. CISD's should be held 48 to 72 hours after the incident.
- C. CISD's are: confidential; restricted to people exposed to the incident; and, designed to be useful even for those not affected by traumatic stress. Some participants do not want to be present nor feel they need to be debriefed. It is important they participate to support fellow officers and aid in "filling in the blanks" regarding the incident.
- D. CISD's are not: part of an investigation; a critique of the incident; group therapy; open to news media or to anyone not involved in the incident; recorded; a punishment or an indication that anyone is weak; or, a place for "rank".
- E. Mandatory CISD's shall be scheduled when employees are exposed to the following:
 - 1. On-duty death of a fellow employee;
 - 2. Multiple casualties or serious injuries to a fellow officer;
 - 3. Officer involved shooting or serious lethal force situation;
 - 4. Widespread disaster situation, significant fire with loss of life, airplane crash, natural disasters such as earthquake, etc.
 - 5. Prolonged rescue attempts ending badly; or,
 - 6. Any incident deemed necessary by a supervisor.

1-08-05 CRITICAL INCIDENT STRESS DEBRIEFING PROCESS

- A. CISD is a supportive crisis intervention process conducted in a small group. It is one of many crisis intervention techniques included under the PSP umbrella. The CISD process does not constitute any form of psychotherapy and should never be utilized as a substitute for it. CISD is simply a supportive, crisis-focused discussion of a traumatic event. CISDs were developed exclusively for small groups who have encountered a powerful traumatic event. It is aimed at the reduction of distress and a restoration of group cohesion and unit performance.
- B. A CISD is a structured group story-telling process combined with practical information to normalize group member reactions to a critical incident and facilitate their recovery. A CISD is used in the aftermath of a significant traumatic event that has generated strong reactions in OJS law enforcement personnel. The selection of a CISD as a crisis intervention tool means the group members' usual coping methods have been overwhelmed and personnel are exhibiting signs of considerable distress, impairment or dysfunction.



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C. Facilitators:

The CISD is facilitated by two to four Peer Support Counseling Team members depending on the size of the affected group. The formula is generally one facilitator member for every five to seven group participants but the minimal team is two CISD team members. A unique PSP feature is that the personnel conducting the CISD are peers (police officers, corrections officers, law enforcement administrative personnel, telecommunications personnel, etc.).

D. Objectives:

The CISD has three objectives:

- a. mitigation of the impact of a traumatic event,
- b. facilitation of the normal recovery processes and a restoration of adaptive functions in personnel distressed by an unusually disturbing event and
- c. a screening opportunity to identify a group member(s) who might benefit from additional support services.

1-08-05 STEP 1 – CRITICAL INCIDENT STRESS DEFUSING

- A. The first intervention is that the affected employee's supervisor or other designated manager, conduct a critical incident stress defusing. A critical incident stress defusing is a shorter version of the critical incident stress debriefing. The defusing lasts from 20 - 60 minutes and is held within the first eight hours after the traumatic incident. Ideally, this meeting should be held within the first three hours.
- B. The purpose for holding a defusing so early is to allow employees to start talking about the incident before they have time to rethink or relive the events, thus reducing intense reactions. People tend to be more open to help during the initial hours of a traumatic event. The defusing may eliminate the need for a debriefing; but at the very least, it will enhance the benefits of a debriefing.
- C. Defusing is held for one employee and/or small employee groups. It is recommended that groups consist of people who work together and are comfortable around each other. More intimate groupings also promote a support structure for the participants as they see their reactions and feelings are similar to others. The defusing should take place in a comfortable, neutral environment away from the scene of the event.
- D. Defusing participants are encouraged to discuss what they just experienced. The tone should be conversational and there is no particular order of who should speak. Anyone who wishes to speak may do so and those who wish to remain silent may do so; however, everyone is encouraged to talk.
- E. Supervisors can use questions to help prompt the dialogue, such as asking for more details or asking about stress-related symptoms already experienced. When the conversation slows or side topics begin taking on more importance, the facilitator should begin wrapping up so the defusing can move into the formal stage.



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1-08-06 STEP 2 – FORMAL CRITICAL INCIDENT STRESS DEBRIEFING

- A. CISD is a process that prevents or limits the development of post-traumatic stress in people exposed to critical incidents. Professionally conducted debriefings help people cope with, and recover from, an incident's aftereffects.
- B. The first phase of the CISD process consists of initial ventilation of feelings by the employee and an assessment of the intensity of the stress response by a facilitator or the Peer Support Counselor Team member.
- C. The second phase in the process consists of a more detailed discussion of the signs and symptoms of stress response and provides for education, support, and reassurance.
- D. The final or closure phase of the CISD process is providing information about further action or referral to the professional counseling services such as the Employee Assistance Program (EAP).
- E. Separate debriefing: A debriefing may be offered separately for the officers' family/significant other at the same time.

1-08-07 IDENTIFYING/RECOGNIZING INCIDENTS

- A. Agency, Division, District or Facility supervisors are responsible for identifying/recognizing significant incidents that may qualify for debriefing.
- B. When an incident is identified, a request for debriefing consideration should be made through the District PSP Coordinator as soon as possible.
- C. Any officer may initiate the debriefing process by contacting a supervisor at the incident scene.
- D. Any member who believes there is a need for an individual, confidential debriefing may initiate the process by contacting EAP or other established program.

1-08-08 CONFIDENTIALITY

- A. All statements, facts, opinions and discussions that are expressed during the debriefing process are confidential.
- B. No investigative member of OJS or any other department shall be allowed in the debriefings.
- C. PSP members will not discuss the contents of any debriefing with anyone other than the affected individual or individuals involved in the debriefing.
- D. The purpose of this process is to provide confidence and gain control of the situation for the PSP member and the officer in need of assistance.



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E. PSP members will discuss the contents of a debriefing outside of these parameters only when compelled by some legal requirement and approved by the Deputy Director, OJS.

1-08-09 MEDIA COVERAGE

No media coverage will be allowed. Media shall be handled in accordance with established regulations.

1-08-10 ORGANIZATIONAL STRUCTURE

When the Peer Support Team is activated, the incident will be evaluated for the amount of debriefing required. The specific debriefing services utilized will depend greatly upon the nature of the incident.

1-08-11 ETHICAL STATEMENT

All PSP members shall perform at all times ethically and with high standards of professional conduct both on and off duty. The professional and personal behavior of each PSP member reflects on the team as a whole and on the team's work. Team members will be held accountable for their adherence to all PSP guidelines as well as OJS policies and procedures.

1-08-12 PSP PROFESSIONAL GUIDELINES

- A. The PSP member's primary obligation is to respect the integrity and promote the welfare of the client, whether the client is assisted individually or in a group.
- B. In a group setting, the PSP member is responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.
- C. The PSP member must avoid bringing personal issues into the peer support relationship, especially if the potential for harm is present. Through awareness of the negative impact of cultural, racial or sexual stereotyping and discrimination, the PSP member guards the individual rights and personal dignity of the client in the peer support relationship.
- D. In a group session, the PSP member must inform participants of the rules of confidentiality covering all participants' disclosures.
- E. When the client's condition indicates that there is clear and imminent danger to the client or others, the PSP member must take reasonable personal action or inform mental health professionals. In the absence of a mental health professional, a supervisor must be notified. The client must be involved in the resumption of responsibility as quickly as possible.
- F. A PSP member may consult with another PSP member, supervisor or EAP about a client.



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- G. Relationships with clients that might impair the PSP member's objectivity and professional judgment must be avoided. Clients should be referred to another PSP member immediately.
- H. PSP members will not have physical or sexual relationships with clients. Intimate relationships with clients are prohibited.
- I. PSP members are prohibited from interfering, or in any way becoming involved in an investigation. PSP members cannot be part of the scene and part of the team.

1-08-13 TEAM ADMINISTRATION

- A. There may be instances when PSP team member's job assignments prohibit them from responding to specific incidents or may limit their ability to respond at all during the duration of that assignment.
- B. Instances of violation of PSP guidelines may result in removal from the PSP after review by the Coordinator, Staff or EAP designee. The SAC has the final authority for removal.
- C. Members of the PSP will be evaluated annually by the District Coordinator for continued suitability on the team. The final decision on retention or removal will rest with SAC.



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1-09 COUNSELING AND PSYCHOLOGICAL SERVICES

POLICY

In order to maintain a stable and well-adjusted workforce to provide the community with the best possible service, OJS is committed to screen out police applicants who do not meet psychological standards, assist employees who experience stress-induced or other emotional problems, and evaluate employees with performance problems who may need counseling.

RULES AND PROCEDURES

1-09-01 CONFIDENTIALITY OF PSYCHOLOGICAL SERVICES

- A. All communication between a counselor and an employee is considered privileged by OJS except:
 - 1. Matters which involve violations of the law,
 - 2. If there is an indication that the employee presents an immediate physical danger to himself/herself or others, or
 - 3. The employee waives the privilege.
- B. Employee participation in counseling services will not jeopardize job security or promotional opportunities. Failure to correct deficiencies in job performance may eliminate promotional consideration and may jeopardize continued employment.

1-09-02 AVAILABLE PROGRAMS/SERVICES

The Office of Justice Services recognizes and supports six programs/services available when psychological counseling and/or evaluation may be appropriate:

- 1. General Assistance Counseling, (Employee Assistance Program)
- 2. Performance Counseling,
- 3. Critical Incident Debriefing-Peer Support
- 4. Early Identification System,
- 5. Post-Traumatic Stress Counseling,
- 6. Fitness for Duty Determination,

1-09-03 GENERAL ASSISTANCE COUNSELING

- A. Employees are encouraged to seek professional counseling to alleviate stress-induced, emotional, or relationship problems. Through voluntary or mandatory identification, OJS will provide short-term counseling and referral service to employees experiencing stress-induced or other emotional problems.
- B. The Employee Assistance Program is available to all employees to assist in the identification and resolution of concerns or problems (personal or job related) that may adversely affect an employee's personal or professional well-being or job performance. These personal concerns may include, but are not limited to health, marital status, family, financial, substance abuse, emotional stress, and other personal matters.



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1-09-04 PERFORMANCE COUNSELING

- A. The supervisor and employee will work together in the resolution of problems which may be symptomatic of underlying personal or interpersonal problems that are manifested in job performance. This process is not associated with the disciplinary process or considered as an alternative to discipline. It is used to address less than satisfactory employee performance which is based solely on observable deficient or deteriorating job performance.
- B. Supervisor Responsibilities Facilitating Performance Counseling:
1. Identify the observable performance errors and declining job performance in specific terms
 2. Outline expectancies for desired performance change
 3. Agree on a time frame for instituting the desired changes
 4. Agree on the dates and times of feedback sessions during the agreed upon time frame
- C. If the supervisor does not see satisfactory improvement within the agreed time limit, discipline or referral must be considered.

1-09-05 EARLY IDENTIFICATION SYSTEM

Established under the purview of OJS Internal Affairs, the system provides a systematic review of complaints and Use of Force incidents among employees. Utilized in conjunction with other criteria in this directive, problems that may or not be stress or performance related can be determined.

1-09-06 POST TRAUMATIC STRESS COUNSELING

- A. When an employee causes serious physical injury or death to a person, is fired upon, or is involved in a serious accident or other serious contact or trauma, the Supervisor will temporarily reassign the employee to administrative duties until an administrative review of the circumstances is conducted. Involvement in these types of traumatic incidents may lead to poor performance or other stress-induced problems.
- B. OJS differentiates between situations in which unacceptable job performance is related to trauma or personal stresses rather than negligence, lack of knowledge, or illegal behavior. When poor job performance is demonstrated, it is the supervisor's responsibility to determine what is causing the poor performance and take corrective action. This may include consultation with a health care professional.



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1-09-07 MENTAL FITNESS FOR DUTY DETERMINATION

- A. OJS requires that all personnel maintain an acceptable level of mental fitness. The OJS Manager has a responsibility to ensure that all law enforcement personnel under his command are fit for duty. At the beginning or during a tour of duty, when an employee appears unfit for duty, he/she will be relieved from duty by a supervisor until his/her fitness can be properly determined. This may require a "Fitness for Duty" examination by a health care professional, to be determined by the appropriate supervisor in coordination with Human Resources.
- B. Fitness for Duty Examinations
Fitness for duty determinations, based on mental health issues, must be determined by a licensed psychologist or psychiatrist, who has experience in working with law enforcement agencies.

1-09-08 AVAILABILITY OF EMPLOYEE COUNSELING SERVICES

- A. Each District OJS Manager will maintain a current list of resources that are available to employees through the Employee Assistance Program (EAP), police chaplain, or local counseling programs, and how employees have access to these programs for general assistance counseling.
- B. Each OJS Manager is authorized to use OJS funds (requisitions) for services and will maintain a current list of regional psychological service providers that are used to determine fitness for duty. The Office of Justice Services will maintain a list of resources for psychological services to evaluate and treat post-traumatic stress that may be paid for by OJS.

1-09-09 IDENTIFICATION OF EMPLOYEES NEEDING ASSISTANCE

- A. The District Special Agent in Charge will ensure that all supervisory personnel under his command have received training in EAP and other mental health services available; the supervisor's role and responsibility; identification of employee behaviors which would indicate the existence of employee concerns, problems, and/or issues that could impact employee job performance.
- B. The District Special Agent in Charge/Agency Chief of Police or supervisors will observe employee job behaviors and performance to assess employees' abilities to carry out their duties.
- C. If the Special Agent in Charge or supervisor observes any of the following behaviors, he/she will meet with the employee to discuss the observation:
 - 1. A series of sustained citizens' complaints,
 - 2. Repeated complaints of the same nature,



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3. Abrupt changes in expected law enforcement responses and/or behavior which may be indicative of serious emotional disturbance, including, but not limited to, excessive and continuous tardiness, absenteeism, sleeping during duty hours, excessive impatience, violent reaction to others, over-eating, non-eating, poor personal appearance, poor physical conditioning, and or suspicion of drug or alcohol abuse, or
 4. Involvement in a major incident that results in death or serious injury to any of the parties involved, including shooting incidents.
- D. The Special Agent in Charge or supervisor will make a determination as to which type(s) of referral to make, if appropriate. More than one referral may be appropriate, e.g., the Special Agent in Charge may refer the employee for post-traumatic stress counseling and for a fitness for duty determination.
- E. Special Agents in Charge, incident commanders, or supervisors who are involved in an incident in which there is the potential for employees to be affected by post-traumatic stress syndrome will include information about the availability of post-traumatic stress counseling in their debriefing. An employee may request referral for post-traumatic stress counseling.

1-09-10 REFERRAL FOR COUNSELING SERVICES

- A. Employees may refer themselves to the Employee Assistance Program (EAP) and, with the concurrence of the Special Agent in Charge, to post-traumatic stress psychological services. The Special Agent in Charge may also refer employees to post-traumatic stress psychological services directly.
- B. The Special Agent in Charge will allow employees to make their own decision regarding where counseling services will be delivered except when:
1. The purpose of the referral is to determine fitness for duty, or
 2. The purpose of the referral is to identify and/or treat post-traumatic stress syndrome associated with the employee's law enforcement duties.
- C. The Special Agent in Charge or supervisor reserves the right to:
1. Request confirmation of participation in the counseling referral elected by the employee, and
 2. Take administrative actions relative to the employee's status permitted by personnel regulations, standards, policies, directives, or procedures.
- D. If the Special Agent in Charge decides to request a Fitness for Duty Evaluation, he/she will consult with the appropriate personnel officer and then initiate the referral to the local service provider. The Special Agent in Charge is responsible for the cost of this evaluation.



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- E. After initial consultation, the service provider will make a recommendation to the personnel officer and the Special Agent in Charge of the employee's fitness for duty, recommendations for treatment, and prognosis.
- F. Based on these recommendations, the Special Agent in Charge will make a determination to:
 - 1. Return the employee to duty,
 - 2. Refer the employee to counseling,
 - 3. Terminate the employee, or
 - 4. Reassign the employee.
- G. If any personnel process is required, the Special Agent in Charge will consult with the applicable personnel officer and comply with applicable personnel regulations.



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1-10 OFF-DUTY EMPLOYMENT

POLICY

OJS permits sworn and civilian employees to work off-duty employment when this employment does not conflict with the employee's primary job function, the criteria for engaging in off-duty employment is met, and the employee is available for immediate call-out in case of an emergency.

RULES AND PROCEDURES

1-10-01 GENERAL

A. Guidelines for Off-Duty Employment

OJS guidelines for off-duty employment are consistent with 18 U.S.C. Section 209 and the standards of conduct for all federal or tribal employees.

B. Restriction on Hours Worked

A law enforcement employee may work a maximum of 24 hours of off-duty employment; or a total of 64 hours in combination with regular duty in each calendar week.

C. Off-Duty Work Scheduling

Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.

D. Call-Outs

A law enforcement employee engaged in any off-duty employment is subject to call-out in case of emergency, and is expected to leave his off-duty employment in such situations.

E. Limitations on Off-duty Employment

To be eligible for off-duty employment, an employee must meet the criteria for off-duty employment.

1-10-02 CRITERIA FOR OFF-DUTY EMPLOYMENT

- A. The employment is of a non-law enforcement nature in which vested police powers are not a condition of employment, the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.



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- B. The employment presents no potential conflict of interest between the employee's duties as a law enforcement employee and his duties for the off-duty employer. Some examples of employment representing a conflict of interest are:
1. As a process server, re-possessor, bill collector, or in any other employment in which law enforcement authority might tend to be used to collect money or merchandise for private purposes.
 2. Personnel investigations for the private sector or any employment that might require the officer to have access to law enforcement information, files, records, or services as a condition of employment.
 3. Any employment that assists, in any manner, the case preparation for the defense in any criminal or civil action or proceeding. See also, 18 U.S.C. Section 205.
- C. The employment does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment presenting a threat to the status or dignity of the law enforcement profession include but are not limited to:
1. Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
 2. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
 3. Any gambling establishment.

1-10-03 APPROVAL OF OFF-DUTY EMPLOYMENT

- A. A request to work off-duty employment will be submitted in writing describing the nature of the employment, days and times, and duration of the employment to the Agency Chief of Police or District Special Agent in Charge, depending on chain-of-command, for approval prior to the employee working off-duty employment. A copy of the approved/ disapproved request will be forwarded to the employee's personnel file.
- B. Permission for a law enforcement employee to engage in outside employment may be revoked when it is determined by the Chief of Police, District Special Agent in Charge, or any other supervisor that the outside employment or the employee no longer meets the criteria for off-duty employment.
- C. An employee may be compensated while on annual leave status by his/her regular off-duty employment if all other requirements of this policy have been fulfilled.
- D. Sworn law enforcement personnel are prohibited from working any outside or off-duty employment where law enforcement powers are required.



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1-11 OFF-DUTY ARRESTS

POLICY

Off-duty arrests will be made when an officer observes a crime that is committed in his presence that requires immediate law enforcement action to protect life or property.

RULES AND PROCEDURES

1-11-01 LAW ENFORCEMENT ACTIONS WHILE OFF-DUTY

- A. Off duty officers may act in an official capacity:
1. If they observe an incident requiring law enforcement action, and
 2. If they have jurisdiction, and
 3. When time is of the essence, or
 4. If such action will safeguard life, property, or prevent the escape of a criminal.
- B. If off-duty officers observe, or have their attention called to an incident requiring law enforcement action, and time is not of the essence or life or property is not endangered, they will report the incident to either the OJS law enforcement agency or another law enforcement agency which has jurisdiction.
- C. Officers will not make an arrest in their personal disputes or those of their family or neighbors unless such action is warranted by the immediate threat of serious bodily harm or property damage.
1. In situations when law enforcement intervention is required, an officer who has no interest in the matter will handle the intervention.
 2. The officers will notify their respective supervisors.
- D. When an arrest is necessary, the off-duty arresting officer will abide by all Office of Justice Services policies, rules, and operational procedures that apply while in an on-duty status and:
1. The off-duty officer will immediately contact an on-duty supervisor and report the incident.
 2. The off-duty officer will complete a report detailing the arrest and submit it to the on-duty supervisor immediately.

1-11-02 LIABILITY PROTECTION FOR OFF-DUTY ARRESTS

Law enforcement officers have liability protection for on-duty and off-duty performance of official duties. This protection does not extend to willful acts to cause injury or damage or to those actions that the officers knew, or reasonably should have known, were in conflict with established policies, rules, procedures, practices, customs, or laws.



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1-12 SOCIAL MEDIA

POLICY:

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

DEFINITIONS:

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

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

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

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

Social Media: A category of Internet-based resources that integrate user generated content and user participation. This includes, but is not limited to, social network sites, micro-blogging sites, photo and video sharing sites, wikis, blogs, and news sites.

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

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

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

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



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RULES AND REGULATIONS

1-12-01 PURPOSE

To establish the Office of Justice Services position on the utility, management, administration, and oversight of social media. This policy is not meant to address one particular form of social media, rather social media in general, to allow for new tools and future technologies.

1-12-02 FREE SPEECH

- A. As public employees, OJS personnel are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to OJS. OJS personnel should assume their speech and related activity on social media sites reflect upon their office and this organization. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal or civil proceedings. OJS personnel are subject to discipline up to and including termination for violations of these provisions.
- B. When using social media, OJS personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the OJS Code of Conduct (LE Handbook 1-01 Ethics and Conduct) is required in the personal use of social media. In particular, OJS personnel are prohibited from the following:
 - 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any other protected class of individuals.
 - 2. Speech involving themselves or other OJS personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 - 3. Speech which could bring the OJS into disrepute or which impairs the mission of the organization and/or the ability of OJS personnel to perform their duties.

1-12-03 SOCIAL NETWORKS AND OTHER WEB SITES

- A. Employees who have personal web pages, memberships with social networking web sites or other types of internet postings, which can be accessed by the public, shall not identify themselves directly or indirectly as an employee of the Office of Justice Services.
- B. Photographs or other depictions of OJS uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable to the Office of Justice Services shall not be used on personal employee internet postings without written permission from the Deputy Director, OJS or his designee.
- C. Employees shall not authorize any other party to use photographs or other depictions of OJS uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable to the Office of Justice Services without written permission from the Deputy Director, OJS or his designee.



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- D. OJS employees shall not use government computers to update their personal social media nor will they update their social media site(s) while on duty.
- E. Posting the following types of criminal justice information to social networking sites is explicitly prohibited:
 - 1. Confidential, sensitive, or copyrighted information to which you have access due to your employment with the federal government;
 - 2. Data from criminal or administrative investigations including photographs, videos, or audio recordings;
 - 3. Photographs of suspects, arrestees or evidence;
 - 4. Personal statements about any investigation that are not included in an official police report including;
 - 5. Comments related to pending investigations and/or prosecutions.

1-12-04 OJS SANCTIONED PRESENCE ON SOCIAL MEDIA

- A. Where possible, each OJS created social media page shall include an introductory statement clearly specifying the purpose and scope of the agency's presence on the website.
- B. Where possible, the page(s) should link to the BIA official website.
- C. All OJS related social media sites or pages shall be approved in writing by the Deputy Director, OJS or his designee.
- D. Pages for specific officers, agencies, divisions, or programs within the OJS must be approved in writing by the Deputy Director, OJS or his designee.. Care must be taken to maintain the integrity of the organization's brand online.
- E. Where possible, social media pages shall clearly indicate they are maintained by the BIA-OJS and have BIA-OJS contact information prominently displayed.
- F. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology, records management, and federal government policies.



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1-12-05 BIA-OJS SANCTIONED USE OF SOCIAL MEDIA

A. OJS personnel (with appropriate supervisory authority) representing the organization via social media outlets shall:

1. Conduct themselves at all times as representatives of OJS and adhere to all OJS standards of conduct;
2. Identify themselves as a member or employee of the OJS;
3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecution, nor post, transmit, or otherwise disseminate confidential information;
4. Not conduct political activities or private business;
5. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

B. Uses

1. Social media is a valuable investigative tool when seeking evidence or information and/or disseminating information about:
 - a. Missing persons;
 - b. Wanted persons;
 - c. Gang participation;
 - d. General crime information;
 - e. Photos or video of a crime where law enforcement needs the media's assistance, as approved by supervisory personnel.
2. Social media can be used for community outreach and engagement by:
 - a. Providing crime prevention tips;
 - b. Offering online-reporting opportunities;
 - c. Sharing crime maps and data;
 - d. Soliciting tips about unsolved crimes.
3. Social media can be used to make time sensitive notifications related to:
 - a. Road closures;
 - b. Special events;
 - c. Weather emergencies;
 - d. Missing or endangered persons;
 - e. Vehicle crashes and or crime scenes where the public may be affected.
4. Social Media may be used for:
 - a. Recruiting;
 - b. Advertising employment positions;
 - c. Publicizing volunteer positions;
 - d. Offering training opportunities.



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1-12-06 CURRENT OJS SOCIAL MEDIA SITES

The Office of Justice Services maintains three Social Media sites:

Website

<http://www.indianaffairs.gov/WhoWeAre/BIA/OJS/index.htm>

Facebook

<https://www.facebook.com/BIAOJS>

Twitter

<https://twitter.com/BIAOJS>

Any inclusion on these sites must be approved.



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1-13 RECORDING MEDIA-USE OF CELL PHONE

POLICY:

Audio and video recordings made using any means by OJS employees representing the OJS are the sole property of the US government. Unauthorized distribution of these materials is strictly prohibited.

RULES AND REGULATIONS

1-13-01 USE OF RECORDING MEDIA FOR OTHER THAN OFFICIAL USE PROHIBITED

- A. Police/Corrections officers may have occasion to make audio, video, or photographic recordings at crime scenes, vehicle crashes, and other police/corrections related investigations for evidentiary or other official purposes. These recordings are the sole property of the U.S. Government and shall not be released to any source without prior approval by the agency Chief of Police or higher ranking OJS official.
- B. Audio/Video recordings that may be useful for training purposes will be forwarded to the Indian Police Academy for review and approval for use by IPA personnel.
- C. OJS Personnel shall not make any audio, video, or photographic recording, or allow another to do so, for their personal use of any job related incident by any means, including but not limited to the following unless approved by a supervisor:
 1. Film or digital camera
 2. Film or digital camcorder
 3. Cell phone camera - voice recorder
 4. In-car dash camera
 5. Tape or digital voice recorder
- D. Information obtained under color of law, whether on or off duty shall be considered confidential and will not be released to any individual or organization or posted on any internet site, bulletin board, or any other location, regardless of whether the information is posted anonymously or not. OJS personnel found in violation of this policy are subject to discipline.

1-13-02 CELL PHONE USE FOR OFFICIAL BUSINESS

- A. Officers having mobile and/or hand held radio communications equipment will use such equipment for all communications between dispatch and each other, unless radio contact cannot be established.



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- B. The use of cell phones for dispatch and call response is discouraged unless no other means of communication is available, officer safety is an articulated concern or when an officer/agent is in an assignment where radio communication is impractical. Officers/agents in these assignments will be issued cell phones for their use and will follow established guidelines for usage.
- C. Radio and cell phone communication should be recorded by communications personnel whenever possible. When an unrecorded communication occurs, the communication should be entered in a log.
- D. When a victim, witness, or offender is contacted by cell phone, the contact by cell phone shall be so noted in any relevant police report.



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1-20 BIA-OJS BALLISTIC VEST USE (NIJ STANDARDS)

POLICY

It is the policy of the OJS to maximize officer safety through the use of body armor. OJS will provide personal body armor (ballistic vest) to each full-time Police Officer and Special Agent.

1-20-01 UNIFORMED POLICE OFFICERS (0083 SERIES)

All uniformed Police Officers will wear the department issued body armor at all times while in uniform, unless specifically exempted by these regulations.

1-20-02 SPECIAL AGENTS (1811 SERIES)

- A. Special Agents will not be required to wear body armor at all times, unless they are wearing a police uniform. When serving a search warrant, making arrests, or participating in any high risk activity, agents will wear their body armor. The armor can be worn under or over the Special Agent's clothing.
- B. When detailed in a uniform capacity where contact with the public is likely, the SA will wear their body armor under their uniform.
- C. It is suggested that Special Agents carry their body armor in an equipment bag or attaché case to ensure that it is available when needed.
- D. Body armor worn over a Special Agent's clothing will have the word "POLICE" clearly visible front and back.

1-20-03 OFF-DUTY PERSONNEL

When off-duty personnel participate in any police activity or attend court in uniform, they must wear their personal body armor, just as they would if on duty.

1-20-04 SPECIALIZED BODY ARMOR

When appropriate, the department may issue specialized body armor. Specialized body armor includes bullet resistant "raid" jackets or tactical armor. When Police Officers are wearing this type of armor, they will not be required to wear personal body armor. This section does not allow uniformed Police Officers and Special Agents to substitute specialized armor for their personal body armor.



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1-20-05 CARE OF THE BALLISTIC VEST

Each Police Officer/Special Agent will be responsible for the proper care of their assigned body armor. The manufacturer's care instructions will be issued with the body armor and will be followed. Each Police Officer/Special Agent is responsible for the proper storage and daily inspection of his/her body armor for signs of damage and general cleanliness. When off duty, the Police Officer/Special Agent shall store his/her body armor in accordance with the manufacturer's instructions. Each Police Officer/Special Agent shall be responsible for cleaning their body armor in accordance with the manufacturer's instructions. Each police officer/special agent is responsible for reporting, in writing, any damage or wear to the ballistic panels or cover to their immediate supervisor.

1-20-06 ISSUANCE OF BALLISTIC VESTS

- A. OJS shall replace body armor that is worn or damaged through normal use. Ballistic vests will be replaced when they reach the manufacturer's expiration date. The Police Officer/Special Agent shall pay for body armor that must be replaced due to misuse or abuse.
- B. All officers/agents will be issued a vest providing a level of protection no less than that established for the caliber of their service sidearm.

1-20-07 USE OF BALLISTIC VESTS

- A. All personnel engaged in street police duties are required to wear body armor unless exempted by this policy. This includes off duty police related employment.
- B. An officer may be exempt from wearing body armor under the following circumstances:
 - 1. When personnel are involved in undercover or plain clothes work that the supervisor determines would be compromised by use of body armor; or
 - 2. When personnel are assigned to perform an administrative function which usually involves no patrol or response to patrol situations; however, body armor will be readily available, or
 - 3. During training, except when specified otherwise by the instructor or the Training Officer.
- C. Personnel shall wear only OJS approved body armor. On those occasions when exempted from wearing body armor, personnel must have their personal armor readily at hand and within reach in their vehicle.



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1-20-08 INSPECTIONS OF BODY ARMOR

Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy.

1-20-09 OJS BALLISTIC VEST STANDARDS

OJS follows the National Institute of Justice (NIJ) standards for ballistic vests. All OJS Police Officers and Special Agents will be provided the minimum level Type IIA ballistic vest. A higher threat level ballistic vest, such as those identified below the Type IIA, may also be provided upon request.

1. Type IIA (9 mm; .40 S&W)
2. Type II (9 mm; .357 Magnum)
3. Type IIIA (.357 SIG; .44 Magnum)
4. Type IV (Armor Piercing Rifle)

1-20-10 DECOMMISSIONED BALLISTIC VESTS

Decommissioned ballistic vests and tactical body armor shall be handled as sensitive property and shall be destroyed in accordance with established Property procedures for accountability, to lessen the possibility of loss or misuse of the old vests.



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1-21 UNIFORMS AND PROTECTIVE EQUIPMENT

POLICY

Law enforcement personnel (police officers and special agents) are authorized to wear prescribed uniforms or civilian attire, carry law enforcement credentials, and a badge identifying them as commissioned law enforcement officers. Telecommunication equipment operators are authorized to wear prescribed uniforms and insignia.

RULES AND PROCEDURES

1-21-01 GENERAL INFORMATION

A. Purpose

This directive establishes guidelines for wearing, caring, and surrendering, the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) law enforcement and telecommunication equipment operator uniforms and related equipment. It also describes appropriate civilian attire to be worn by sworn personnel when officially representing OJS.

B. Requirement to Wear Official Uniform:

All law enforcement officers will wear the approved and issued police uniform when on duty. The supervisor may release officers from uniform requirements due to extreme weather or the nature of the assignment. No combination of police uniform and civilian attire may be worn.

C. Distinctiveness of Uniforms:

BIA/OJS law enforcement uniforms are distinctive and immediately recognizable as those of police officers. As a result, the supervisor will ensure that uniformed personnel who are not police officers within his jurisdiction do not wear uniforms which are identical to those issued to law enforcement officers.

D. Wearing Uniform Restricted to On-duty Status:

Equipment and uniforms issued to officers of BIA-OJS are only for use and wear during official business. Officers making official appearances off-duty, when authorized by a supervisor, and, when traveling between their residence and their assigned duty area, may wear their uniform.

E. Authorized Uniform Type: There are three general categories of authorized wear for both male and female law enforcement and telecommunication equipment operators: service uniforms (Class A and B), utility uniforms (Class C), and civilian business attire. Included are uniforms of appropriate weight and material for cold weather and warm weather, wear in an office environment, participation in formal events, or performing duty in the field. They are specifically listed by position as follows:



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1. Class A Executive Command Staff Uniform:
2. Class A Uniform for Law Enforcement Officers
3. Class A Uniform for Telecommunication Equipment Operators
4. Class B Uniform for Law Enforcement Officers
5. Class B Uniform for Telecommunication Equipment Operators
6. Class C Utility Uniform (Tactical, Canine, Bicycle)
7. Civilian Business Attire

F. Class A Executive Command Staff Uniform

Law Enforcement Executive Command Staff may wear a dress uniform as directed or for appropriate events. The dress uniform may consist of Class A uniform, Class A with dark navy dress jacket or sweater; Class B uniform with appropriate insignia, dark navy dress slacks with royal blue stripe, white or blue shirt (as directed), navy tie, and black dress shoes with high gloss finish.

1. The dress jacket is authorized for division chiefs, special agents in charge, deputy associate directors, associate directors, assistant director, and director.
2. The dress jacket will display a single royal blue strip on each cuff at 1" inch above the cuff; and slanted hash marks, royal blue & gold on black in color, displayed on the left sleeve 5" inches above the cuff. Each hash mark will signify five years of law enforcement service.
3. The dress jacket may be worn with the high gloss shoulder strap to accompany the high gloss duty belt and accessories. If the high gloss duty belt is worn, it will be centered between the third and fourth bottom button of the dress jacket.
4. The dress pant are fitted and worn so that the bottom of the pant leg is midway between the top of the heel and top of a standard shoe.
5. The dress shirt sleeve extends to the center of the wrist bone; the sleeves of the uniform coat or sweater extend 1 inch below the bottom of the wrist bone.
6. White gloves issued by OJS may be worn for formal events when appropriate.
7. The Felt Campaign Hat is the authorized headgear.

G. Class A Uniform for Law Enforcement Officers

1. The Class A Uniform is authorized for wear from Oct 1-March 31 or during formal events when authorized.
2. The Class A Uniform shirt may consist of authorized medals/pins. For formal events authorized medals will be worn.
3. The Class A Uniform shirt at a minimum will consist of the following pins: 2-BIA gold collar pins, and gold name plate bearing last name.
4. The felt campaign hat will be worn.
5. White gloves issued by OJS may be worn for formal events when appropriate
6. The Class A Uniform is navy blue (zipper front optional) long sleeve shirt fully buttoned with the navy blue necktie; dark navy blue pant with one inch royal blue stripe sewn on the outside seam of each pant leg.
7. The undershirt will be navy blue or white, and in good condition. The undershirt will be without markings or designs. Female officers will wear a brassiere.



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8. The Class A Uniform shirt may display royal blue/gold on black in color hash mark on the left sleeve at 5" inches above the cuff. Each hash mark will signify five years of law enforcement service. The wear of hash marks is optional at the discretion and expense of the employee.
9. The dress shirt sleeve extends to the center of the wrist bone; the sleeves of the uniform coat or sweater extend 1 inch below the bottom of the wrist bone.
10. The dress pant are fitted and worn so that the bottom of the pant leg is midway between the top of the heel and top of a standard shoe.
11. Shoes - Color/Black - plain toe type, neatly polished; or Boots - Color/Black - plain toe flat walking heel, semi-western style, no extreme pointed toes, maximum 14" tops, neatly polished.
12. Socks- Color Navy blue/Black. At no time will patterned socks, or bare ankles be permitted, unless officers undergoing treatment for a foot disease or injury. (Consideration is given only upon a written request directed to the OJS supervisor by a medical doctor).
13. The Felt Campaign Hat is the authorized headgear. During extreme weather conditions, a knit or beanie style hat is authorized. Baseball caps are not permitted.
14. Optional Weather Dependent Duty Wear Items (as directed)
 - a. Sweaters - Color dark blue military type (worn at the discretion of the officer or as directed by the supervisor); with BIA-OJS patches; badge and name plate displayed. If a tie is worn with the sweater, the collar of the shirt goes inside the sweater.
 - b. Glow-suits, reflective vests, or raincoats are to be worn with the bright side out.
 - c. Jacket - Color/navy blue - issued winter jacket or windbreaker.
 - d. Coat - Color/navy blue - waist length with blue down liner. If leather, coat will be black.
 - e. Rain coats - Color/navy blue
 - f. Black gloves and black ear protectors may be worn during cold weather.
 - g. Items that distract from the uniform appearance will not be carried in pockets.
 - h. Shoes/boots may be worn with black rubber boots in inclement weather or in severe cold weather snowmobile type boots may be worn.

H. Class B Uniform for Law Enforcement Officers

1. The Class B Uniform is authorized for wear from April 1-Sept 31.
2. The Class B Uniform may consist of authorized medals/pins.
3. The Class B Uniform at a minimum will consist of the following pins: 2- BIA gold collar pins, and gold name plate bearing last name.
4. The straw campaign hat will be worn or no hat. Baseball caps are not authorized.
5. The Class B Uniform shirt is navy blue (zipper front optional) short sleeve shirt unbuttoned at the top button; worn with 2 BIA shoulder patches, and American Flag. Personnel are not authorized to alter the length of the sleeve from original manufacture length.
6. The class B Uniform pant is dark navy blue with one inch royal blue stripe sewn on the outside seam of each pant leg.



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7. When wearing the uniform shirt, the undershirt will be navy blue or white, and in good condition. The undershirt will be without markings or designs. Female officers will wear a brassiere.
8. Shoes - Color/Black - plain toe type, neatly polished; or Boots - Color/Black - plain toe flat walking heel, semi-western style, no extreme pointed toes, maximum 14" tops, neatly polished.
9. Socks- Color Navy blue/Black. At no time will patterned socks, or bare ankles be permitted, unless officers undergoing treatment for a foot disease or injury. (Consideration is given only upon a written request directed to the OJS supervisor by a medical doctor).
10. The Straw Campaign Hat is the authorized headgear.
11. Optional Weather Dependent Duty Wear Items (as directed)
 - a. Sweaters - Color dark blue military type (worn at the discretion of the officer or as directed by the supervisor); with BIA-OJS patches; badge and name plate displayed. Wearing a tie is also optional when wearing a short or long sleeved shirt with sweaters. If a tie is worn with either sweater, the collar of the shirt goes inside the sweater. If no tie is worn with the pullover sweater, the collar is worn outside.
 - b. Glow-suits, reflective vests, or raincoats are to be worn with the bright side out.
 - c. Jacket - Color/navy blue - issued windbreaker with BIA patches on shoulders; or weather depending the winter jacket with BIA patches.
 - d. Rain coats - Color/navy blue
 - e. Black gloves and black ear protectors may be worn during cold weather.
 - f. Items that distract from the uniform appearance will not be carried in pockets.

I. Class A Uniform for Telecommunication Equipment Operators

1. The Class A Uniform is authorized for wear from Oct 1-March 31 or during formal events when authorized.
2. The Class A Uniform may consist of authorized medals/pins. For formal events authorized medals will be worn.
3. The Class A Uniform Shirt at a minimum will consist of the following pins: 2- BIA gold collar pins, gold name plate bearing last name, BIA shoulder patches, and the American Flag.
4. White gloves issued by OJS may be worn for formal events when appropriate
5. The Class A Uniform is the white (zipper front optional) long sleeve shirt fully buttoned with the navy blue necktie; dark navy blue pant with one inch royal blue stripe sewn on the outside seam of each pant leg.
6. When wearing the uniform shirt, the undershirt will be navy blue or white, and in good condition. The undershirt will be without markings or designs. Female officers will wear a brassiere.
7. The Class A Uniform shirt may display royal blue/gold on black in color hash mark on the left sleeve at 5" inches above the cuff. Each hash mark will signify five years of telecommunication service. The wear of hash marks is optional at the discretion and expense of the employee.



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8. The dress shirt sleeve extends to the center of the wrist bone; the sleeves of the uniform coat or sweater extend 1 inch below the bottom of the wrist bone.
9. The dress pant are fitted and worn so that the bottom of the pant leg is midway between the top of the heel and top of a standard shoe.
10. Shoes - Color/Black - plain toe type, neatly polished; or Boots - Color/Black - plain toe flat walking heel, semi-western style, no extreme pointed toes, maximum 14" tops, neatly polished.
11. Socks- Color Navy blue/Black. At no time will patterned socks, or bare ankles be permitted, unless officers undergoing treatment for a foot disease or injury. (Consideration is given only upon a written request directed to the OJS supervisor by a medical doctor).
12. Optional Weather Dependent Duty Wear Items (as directed)
 - a. Sweaters - Color dark blue military type (worn at the discretion of the officer or as directed by the supervisor); with BIA-OJS patches; badge and name plate displayed. If a tie is worn with the sweater, the collar of the shirt goes inside the sweater.
 - b. Jacket - Color/navy blue - issued winter jacket or windbreaker.
 - c. Coat - Color/navy blue - waist length with blue down liner. If leather, coat will be black.
 - d. Rain coats - Color/navy blue
 - e. Black gloves and black ear protectors may be worn during cold weather.
 - f. Items that distract from the uniform appearance will not be carried in pockets.

J. Class B Uniform for Telecommunication Equipment Operators

1. The Class B Uniform is authorized for wear from April 1-Sept 31.
2. The Class B Uniform may consist of authorized medals/pins.
3. The Class B Uniform at a minimum will consist of the following pins: 2- BIA gold collar pins, and gold name plate bearing last name.
4. The Class B Uniform shirt is the white (zipper front optional) short sleeve shirt unbuttoned at the top button; worn with 2 BIA shoulder patches, and American Flag. Personnel are not authorized to alter the length of the sleeve from original manufacture length.
5. The Class B Uniform pant is dark navy blue with one inch royal blue stripe sewn on the outside seam of each pant leg.
6. When wearing the uniform shirt, the undershirt will be navy blue or white, and in good condition. The undershirt will be without markings or designs. Female officers will wear a brassiere.
7. Shoes - Color/Black - plain toe type, neatly polished; or Boots - Color/Black - plain toe flat walking heel, semi-western style, no extreme pointed toes, maximum 14" tops, neatly polished.
8. Socks- Color Navy blue/Black. At no time will patterned socks, or bare ankles be permitted, unless officers undergoing treatment for a foot disease or injury. (Consideration is given only upon a written request directed to the OJS supervisor by a medical doctor).
9. Optional Weather Dependent Duty Wear Items (as directed)



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10. Sweaters - Color dark blue military type (worn at the discretion of the officer or as directed by the supervisor); with BIA-OJS patches; badge and name plate displayed. Wearing a tie is also optional when wearing a short or long sleeved shirt with sweaters. If a tie is worn with either sweater, the collar of the shirt goes inside the sweater. If no tie is worn with the pullover sweater, the collar is worn outside.
 11. Jacket - Color/navy blue - issued windbreaker with BIA patches on shoulders; or weather depending the winter jacket with BIA patches.
 12. Rain coats - Color/navy blue
 13. Black gloves and black ear protectors may be worn during cold weather.
 14. Items that distract from the uniform appearance will not be carried in pockets.
- K. Class C Tactical Duty Uniform (TDU)- TDU uniforms for both male and female law enforcement personnel assigned to Canine duty, Indian Police Academy, or during tactical events which the Class A or Class B uniform is not appropriate given the circumstances as approved by the OJS manager. The Tactical Duty Uniform (TDU) is designed to be worn under body armor. The TDU is as follows:
1. TDU Trousers – Navy Blue in color and poly cotton rip material. Tan (Canine) in color and poly cotton rip stop material. Personnel will wear the trousers tucked into the top of the boots or bloused using the drawstrings at the bottom of the trousers or commercial blousing devices. If bloused, the trouser should not extend below the third eyelet from the top of the boot. The pockets will be worn closed at all times.
 2. TDU Shirt – Navy Blue poly cotton rip stop TDU long sleeve. Tan (Canine) in color poly cotton rip stop long sleeve. For warm weather wear sleeves may be rolled up in 1 inch measures. The external cuff will be folded over and facing outward to not show the interior of the shirt material.
 3. Undershirt- Navy Blue, in good condition, On the back of shirt in two lines, with silver in color lettering, first line identifying “POLICE” in six inch letters and ½ inch wide the second line identifying “BIA” in six inch letters. Tan (Canine) the second line will identify as “K-9” in six inch letters. Female officers will wear a brassiere.
 4. Black uniform pant belt is authorized for blue/tan TDU.
 5. Soft cap navy blue with BIA embroidered in one inch silver lettering on the front and POLICE embroidered below the BIA lettering.
 6. BIA OJS subdued blue shoulder patch (Tan for Canine), subdued black collar rank or subdued BIA insignia, and subdued silver embroidered badge. Name tag subdued blue with silver letters. The name tag for Canine is tan and subdued brown which will be worn.
 7. TDU Boots; Black neatly shined or Tan in color (canine only)
 8. For Field Duty: Equipment belt and holster will be constructed of nylon and will be black in color. Holsters will be level III security. Tactical thigh holsters may be authorized by the OJS manager depending on event.



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9. The police canine dog will wear a black in color nylon tracking harness with reflective (night) and black (day) panels with "POLICE" lettering and the B.I.A.-OJS shoulder patches on each side of harness. Use of a bullet/stab resistant vest is authorized when necessary.
10. The canine dog will be provided with a ballistic vest for use when appropriate.
11. Bicycle officers will wear the dark navy blue uniform consisting of Mocean style bicycle pants and /or Mocean style bicycle shorts. The shirt should be a Mocean style bicycle shirt yellow and navy blue in color with reflective "POLICE" lettering on the back with reflective stripes on the sleeves. The shirt will display a badge patch, the American Flag, and BIA shoulder patches.

L. Property Officer

Each Chief of Police or Supervisory Special Agent will designate a property officer.

M. Headgear

1. Headgear will be worn at all times while in public view or when directed by a supervisor.
2. Headgear will not be worn pushed back on the head or tilted to one side.
3. Headgear will be worn while directing traffic or when exposed to hazards.
4. When not worn, the headgear will be in the police vehicle and readily available.

N. Civilian Business Attire

1. Officers assigned to conduct criminal investigations, on light duty, or who are authorized to wear civilian clothing by the OJS manager will wear one of the following options as directed:
 - a. a business suit with a dress shirt and tie.
 - b. a sports coat and trousers with a dress shirt and tie
 - c. TDU pant, and polo shirt with OJS badge.
2. Officers who appear in court, or attend a hearing in civilian clothes must wear a business suit with a dress shirt and tie, or; a sports coat and trousers with a dress shirt and tie.
3. All law enforcement officers who attend training sessions must wear either a business suit, business casual, Class A or B uniform, or the appropriate uniform as directed by the training supervisor. Business casual is defined as a sport coat, dress pant with a dress shirt; buttoned dress shirt and pant; or polo shirt with class c uniform pant. Officers are prohibited from wearing blue jeans and T-shirts to training unless directed by training staff due to the nature of the course.
4. Female officers assigned to criminal investigations or attending any type of court or hearing will wear a dress or pantsuit.
5. Officers wearing civilian dress on duty will be attired in a manner appropriate to their assignment and their public service responsibilities. Their clothing will be clean and not noticeably patched or worn.
6. Officers wearing civilian clothes will comply with all other applicable provisions of this written directive.



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O. Additional Required Equipment

1. The following items are required:
 - a. Badge
 - b. Campaign Hat/Soft Cap
 - c. Identification card
 - d. BIA issued credentials with case
 - e. Valid state driver's license
 - f. Gun belt, 2" black nylon or clarino, including but not limited to:
 - 1) Magazine carrier-two, black nylon or clarino,
 - 2) Handcuff case, black nylon or clarino. Second handcuff case is optional.
 - 3) Holster, black nylon or clarino.
 - 4) Knife carrier, black nylon or clarino.
 - 5) Chemical agent carrier, black nylon or clarino
 - 6) Baton with carrier.
 - 7) Key ring strap.
 - 8) Gun belt keeper straps (4).
 - g. Regulation issued firearm
 - h. Two magazines, loaded
 - i. Two magazine carriers, black nylon or clarino.
 - j. Baton
 - k. Handcuffs and key. Second pair of handcuffs (optional).
 - l. Whistle
 - m. Flashlight/flashlight carrier
 - n. Knife, folding, blade not exceeding four inches with carrier (optional)
 - o. Pen
 - p. Name plate
 - q. Chemical agent dispenser with carrier nylon or clarino.
 - r. Tie tack/clasp - plain and gold in color
 - s. Body armor (vest)/carrier BIA issue

1-21-02 CARE AND CONDITION OF UNIFORM

- A. Uniforms must be properly fitted, clean, and serviceable.
- B. Class A and B uniform pant front crease of the slacks should rest on top of the show without a break. The back crease should extend to appoint about 1 inch above the top of the heel of the shot.
- C. All uniforms will be clean, pressed with military pleats and not noticeably worn or patched.
- D. All leather gear will be highly polished, using a wax-based product. Lacquers and artificial polishing agents are prohibited.



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- E. The badge and hat piece will be regularly cleaned using a non-abrasive soapy water solution and buffed with a soft cloth to a high luster. Metal polish is prohibited.
- F. Nameplates and shooting badges will be regularly polished.
- G. Raincoats, glow-suits, reflective vests, rubber boots, gas masks, riot equipment, and other issued visibility gear, will be stored in utility bags provided by OJS when not being worn. Equipment must be accessible at all times.
- H. Uniforms and official equipment stored at home will be cared for properly and securely stored. Officers are responsible for uniforms or official equipment damaged from improper care or storage.

1-21-03 REPLACEMENT OF UNIFORMS AND EQUIPMENT

- A. Replacement of unserviceable uniforms and equipment will be made at a time announced by the supervisor. Uniforms and equipment will be inspected and replaced as determined by the supervisor.
- B. Uniforms and equipment in need of immediate replacement may be submitted to the supervisor for his evaluation and appropriate action.
- C. To receive replacement equipment, it is necessary to turn in a like number of each of the items to be replaced.
- D. Any officer who loses or experiences a theft of any part of a uniform or official equipment while on or off duty, or who damages same to such extent as to make it unfit for use or wear, will immediately notify his supervisor. The officer reporting such loss, theft, or damage will immediately initiate a written report to his supervisor documenting the loss.
 - 1. These reports must be initiated before equipment can be replaced.
 - 2. The officer's supervisor will conduct an investigation of the circumstances surrounding such loss, theft, or damage and submit the findings to the Chief of Police or Supervisory Special Agent or designee.
 - 3. When an investigation clearly establishes that an employee has not properly safeguarded uniform items or equipment, consistent with applicable property management regulations, the employee must reimburse the law enforcement agency for the value of the property. If negligence is apparent, the officer may be subject to disciplinary action as circumstances warrant.



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1-21-04 RETURN OF GOVERNMENT PROPERTY UPON SEPARATION FROM LAW ENFORCEMENT

- A. Officers leaving law enforcement will deliver their service firearms and all other issued firearms, badge, cap badge, credentials, and all other issued items of equipment and clothing to their supervisor immediately upon resignation or at the end of their last active tour of duty.
- B. Officers will return to their supervisor all items of law enforcement clothing and equipment as directed by their supervisor.
- C. Officers placed in a leave without pay status for a period exceeding 30 days, or ordered to military duty (other than training), will deliver their service firearm and all other issued firearms, badge, cap badge, and credentials to their supervisor by the end of their last active tour of duty.
- D. Any officer, who remains in a sick leave status for a period of more than 30 consecutive calendar days, will surrender his service firearm and all other issued weapons, badge, cap badge, credentials, to his supervisor within 72 hours of the 30th day. If an officer is unable to report in person for medical reasons, the officer's supervisor or his designee will arrange a more convenient meeting to return the weapons and equipment.
- E. When an officer surrenders his service firearm and all other issued firearms and badges and credentials, his authority to carry a personally owned firearm as a police officer is rescinded. The officer is relieved of any responsibility for direct enforcement action until such time as his/her service firearm and other issued firearms; badges and credentials are returned to him/her.
- F. Any officer placed on suspension for a period exceeding 3 days or pending serious disciplinary action will deliver his badge, cap badge, credentials, and service firearm and all other issued firearms to his supervisor at the end of their last active tour of duty.
 - 1. If an officer's last active tour of duty immediately precedes a regular day off and the suspension does not take effect until immediately following the regular day off, the officer will turn in the aforementioned equipment prior to his day off.
 - 2. A suspended officer who is notified of dismissal from the BIA will deliver all issued items of clothing and equipment to his supervisor immediately.
- G. At the time of separation from law enforcement if an officer cannot account for all property charged to him/her, or if any item is negligently damaged, the employee must pay the item's value, consistent with the established costs.

If the officer does not pay promptly, the amount will be withheld from the officer's final salary check.



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- H. When initially notified that they are to be recommended for medical retirement, within 72 hours of such notification, officers will report in person to their supervisor. At the time of report, the supervisor will take possession of the officer's issued firearms, cap badge, badge, credentials, and clothing and equipment.
 - 1. Upon surrendering these items, the officer is relieved of any future responsibility for law enforcement action. Any authority to carry a personally owned firearm, as a law enforcement officer, is also rescinded.
 - 2. If for medical reasons, an officer is unable to report in person, the officer's supervisor or his designee shall arrange for a more convenient meeting to accomplish the aforementioned procedure.
- I. Within 7 days of the death of an officer in active service, the supervisor will arrange to take possession of all articles of clothing and equipment owned by BIA/OJS.
- J. The supervisor taking possession of the officer's badge, cap badge, service firearm, and all other issued firearms and equipment will:
 - 1. Complete a receipt for items received from the officer turning over equipment due to suspension.
 - 2. Give the suspended officer a copy of the receipt.
 - 3. Place the property and receipt in a secure place.
 - 4. When appropriate, ensure the delivery of the property to the property officer.

1-21-05 RESPONSIBILITY FOR UNIFORMS AND EQUIPMENT

A. Officers are responsible for:

- 1. Maintaining a clean and neat uniform within tailored wear standards, good repair and maintaining uniform accessories and issued equipment in a clean and/or polished and serviceable condition.
- 2. Wearing the uniform in accordance with prescribed regulations.
- 3. Having a change of uniform readily available.
- 4. Taking all practical measures to ensure that uniforms and equipment are not lost, stolen, misappropriated, or damaged.
- 5. Within reason, producing any article of uniform or official equipment on demand by any supervisor.

B. Supervisors are responsible for:

- 1. Conducting daily inspections of officers under their supervision to ensure compliance with this directive.
- 2. Preventing any officer from entering or continuing on a tour of duty if the appearance of the officer does not comply with the uniform standards of this chapter.
- 3. Reporting to the next level of supervision any officer who cannot or will not correct any uniform discrepancy.



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4. Reporting violations of uniform regulations, and recommending action concerning these violations.
5. Investigating all reports of lost, damaged, or stolen items of uniform or equipment.
6. Spot checking officers to ensure compliance with uniform regulations.

C. The supervisor assigned as property officer is responsible for:

1. Ensuring an initial supply of approved clothing and equipment.
2. Issuing those articles of approved clothing and equipment.
3. Maintaining and posting a list of items to be issued to officers by rank, duty assignment.
4. Maintaining a "Clothing and Equipment Record" on each officer.
5. Disposing of unserviceable articles of clothing and equipment according to applicable regulations.

1-21-07 MISCELLANEOUS PROVISIONS

- A. Supervisors may require the wearing of any type of clothing when the nature of police duties require it and submit a report of such action to their next line supervisor.
- B. Officers on duty may not carry or use any equipment that does not conform to this directive.

1-21-08 UNIFORM ALLOWANCE

- A. Every BIA-OJS officer who wears a uniform during the normal tour of duty may be paid an annual uniform allowance not to exceed \$400. Agency/District/Units/HQ may provide uniforms and related equipment to officers in lieu of this payment. This allowance is specifically provided for the purchase and maintenance of the uniform and footwear.
- B. Procurement guidelines include, but are not limited to:
 1. Proof of purchase reimbursement,
 2. Development of a purchase order system to allow individual officers to purchase up to the designated amount from a recognized vendor of law enforcement uniforms and equipment.

1-21-09 CONTROL OF BADGES AND CREDENTIALS

- A. The OJS Headquarters Office maintains a record of each law enforcement personnel who is issued a badge and credentials.
- B. The OJS manager and employee maintains a copy of the DI-105 of issued badge and credentials on file; conduct an annual inspection of employee badges and credentials issued.



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- C. Officers who lose a badge, credentials, or a firearm will immediately report it to the Chief of Police/Special Agent in Charge or designee.
 - 1. The officer will complete an Incident Report.
 - 2. If the loss occurs outside of the jurisdiction, the officer will file a Police Report with the law enforcement agency in whose jurisdiction the item was lost.
 - 3. The Chief of Police/Special Agent in Charge or designee may determine that it is appropriate to initiate a search for the missing item.

- D. The Deputy Bureau Director, Office of Justice Services, or his designee has the authority to issue BIA/OJS badges and credentials.

1-21-10 INSIGNIAS-AWARD RIBBONS AND PINS

A. Insignias

- 1. BIA/OJS official issued police hat badge is worn front center of crown.
- 2. Chief of Police insignia will be Olive Branch cluster with “Chief” worn on both collar tips. See example below.
- 3. Captain and lieutenant rank insignia is worn on both collar tips.
- 4. Rank insignias for sergeants are worn on both arms 1" below BIA/OJS issued police shoulder patch and on both collar tips.
- 5. BIA/OJS issued police patches are worn on both shoulders, approximately 1/4" below shoulder and sleeve seam. A rocker will be worn on patches issued to dispatchers, corrections, or transport officers.
- 6. All buttons, buckles, and nameplates are gold.
- 7. BIA/OJS issued official police badges are worn over the left shirt pocket - centered. When wearing an outer garment, the badge is worn conspicuously on the left breast of the outer most garments when practical.
- 8. While in uniform, the nameplate will be worn conspicuously over the right breast pocket of the outermost garment when practical.

B. Authorized Achievement Award Medals and Service Pins



Office of Justice Services- Uniformed personnel are authorized to wear the medal in recognition of service to the organization after completing one year of service.



Indian Police Academy Service- Uniformed personnel who have served a minimum of three years as a full-time academy staff member are authorized to wear the medal in recognition of service.



Five Year Service Medal- Uniformed personnel who have served five years are authorized to wear the medal in recognition of public safety service.



Ten Year Service Medal- Uniformed personnel who have served ten years are authorized to wear the medal in recognition of public safety service.



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Fifteen Year Service Medal- Uniformed personnel who have served fifteen years are authorized to wear the medal in recognition of public safety service.



Twenty Year Service Medal- Uniformed personnel who have served twenty years are authorized to wear the medal in recognition of public safety service



Twenty Five Year Service Medal- Uniformed personnel who have served twenty five years are authorized to wear the medal in recognition of public safety service.



Thirty Year Service Medal- Uniformed personnel who have served thirty years are authorized to wear the medal in recognition of public safety service.



Military Service Medal: United States Army- Uniformed personnel who have served in the United States Army and received an honorable discharge are authorized to wear the medal.



Military Service Medal: United States Air Force- Uniformed personnel who have served in the United States Air Force and received an honorable discharge are authorized to wear the medal.



Military Service Medal: United States Coast Guard- Uniformed personnel who have served in the United States Coast Guard and received an honorable discharge are authorized to wear the medal.



Military Service Medal: United States Navy- Uniformed personnel who have served in the United States Navy and received an honorable discharge are authorized to wear the medal.



Military Service Medal: United States Marine Corp- Uniformed personnel who have served in the United States Marine Corp and received an honorable discharge are authorized to wear the medal.



Medal of Honor- awarded to employees who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty.



Medal of Valor- awarded to employees who distinguish themselves conspicuously by extraordinary heroism



Police Combat Cross- awarded to members who, having received Honorable Mention awards, successfully and intelligently perform an act of extraordinary heroism while engaged in personal combat with an armed adversary under circumstances of imminent personal hazard to life.



Police Star Medal- awarded to members who, have consistently performed above and beyond the call of duty by developing or implementing department improvements, which reduce crime.



Police Unit Citation- awarded to an agency, unit, or group who collectively have demonstrated outstanding performance through combined effort, which has improved the department; reduced crime; or saved lives.



Police Lifesaving Medal- awarded to members who, through exceptional knowledge and behavior, perform a physical act, which saves the life of another person, and there is no danger to the officer's life.



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Community Policing Medal- awarded to an individual, agency, or group who have implemented a measurable goal which included stakeholders, community leaders or members; and has improved department partnerships towards reducing crime.



Directors Award- awarded at the discretion of the BIA-OJS Director to an individual for exemplary service, conduct, or performance.



Instructor Medal- awarded to uniform personnel who have successfully completed three instructor training programs.



FBI National Academy Medal: awarded to uniform personnel who have successfully completed the FBI National Academy Training Program in Quantico, Virginia.



BIA OJS Employee of the Year: Awarded to an employee who has received recognition by the BIA Office of Justice Services or IACP Indian Country Section for employee of the year.



Fitness Award: Awarded to employees who have received individual recognition for physical fitness from the BIA Indian Police Academy, Federal Law Enforcement Training Center; or who achieve 75 percent or more in all areas of the physical efficiency battery.



Distinguished Weapons Expert: Awarded to uniformed personnel who have achieved high qualifying scores for firearms qualification in rifle, shotgun, and pistol during Firearms Instructor Training Program at the Federal Law Enforcement Training Center. Recipients receiving distinguished qualifications are not authorized to wear the expert medal in addition.



Expert Firearms Qualification: Awarded to uniformed personnel who have achieved expert qualifying score during semi-annual handgun firearms qualification.



Education Achievement Medal- Bachelor's Degree: Awarded to uniform personnel who have successfully graduated with a bachelor's degree.



Education Achievement Medal- Master's Degree: Awarded to uniform personnel who have successfully graduated with a master's degree.



Education Achievement Medal- Doctorate Degree: Awarded to uniform personnel who have successfully graduated with a doctorate degree.



Golden Gun Award: Awarded to one police officer or special agent per District who have achieved the top annual handgun qualifications score during the March qualification.



Top Gun Award: Awarded to one police officer or special agent for the entire Office of Justice Services who has achieved the top annual handgun qualifications during the March qualification.



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C. Nomination process for Achievement Award Ribbons and Pins

1. A Nomination Form will be submitted nominating an officer by his/her immediate supervisor (or higher ranking OJS official).
2. The nomination may be the result of another officer's recommendation, a civilian recognition, or by the nominee meeting the specified criteria, e.g. years of service, etc.
3. The nomination with supporting documentation will be forwarded to the Director, Indian Police Academy for approval and dissemination.
4. Wearing of any Achievement Award Ribbon or Pin must be approved prior to displaying on the uniform.

D. Medal Ranking for Uniform Wear:

The proper ranking wear is as follows:

Tier 1: The medals are displayed closest to the pocket top.

Medals which may be displayed in order: BIA Office of Justice Service, Years of Service, Indian Police Academy. Option: Military Service Medal. In the event four medals are awarded, the military service medal will be displayed in tier 2.

Tier 2: The medals are displayed on the second level of the holder.

Medals which may be displayed in order: Education Achievement, FBI National Academy, Employee of the Year, Directors Award, Community Policing, Instructor, Fitness Award, Distinguished Expert, Expert. In the event four medals are awarded, the Directors Award, Community Policing, Instructor, Fitness, Distinguished Expert, or Expert will be displayed in tier 3.

Tier 3: The medals are displayed on the third (or fourth) level of the holder.

Medals which may be displayed in order: Medal of Honor, Medal of Valor, Police Combat Cross, Police Star, Police Unit Citation, Police Lifesaving. In the event four medals are awarded the Medal of Honor, Medal of Valor, and Police Combat Cross will be displayed in tier 4.

E. Medal Wear:

1. Recipients of medals are authorized to wear on the duty uniform only. For long and short sleeve shirts, the medals will be displayed below the badge, centered on the top of the breast pocket. The badge will be centered above the medal display.
2. Authorized command staff wearing the dress coat will wear the medals on the right side, 1" inch centered on the top of the breast pocket. The name plate will be worn centered on the top of the breast pocket evenly.



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Medal Wear Examples



Figure 1: Class A Uniform Shirt

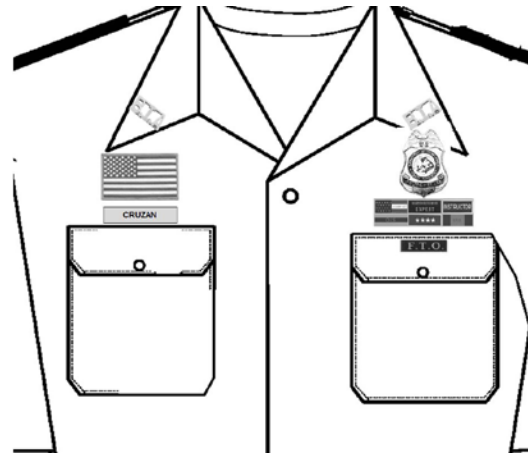


Figure 2: Class B Uniform Shirt



Figure 3: Dress Coat



Figure 4: Dress Coat w/ Strap



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F. TDU Uniform Wear Examples



Figure 5 Blue TDU Shirt



Figure 5 Tan TDU Shirt

G. Rank Insignia

The following rank insignia are authorized for command positions for the Office of Justice Services

Director	
Assistant Director	
Associate Director/ Division Chief	
Deputy Associate Director	
Special Agent in Charge	
Assistant Special Agent in Charge	
District Supervisory Corrections Specialist	
Chief of Police	
Captain	
Lieutenant	
Sergeant	



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Insignia and Marksmanship Pins



B.I.A. Insignia Pin: All uniform personnel are authorized to wear the B.I.A. collar insignia on the short and long sleeve shirt, and uniform coat. Insignia will be worn evenly spaced on the collar at ¼” from the collar point. Command personnel are authorized to wear the BIA insignia when wearing the dress coat. A black subdued version may be worn on the TDU uniform.



Field Training Officer Pin: All uniform personnel who have completed the field training officer training program approved by the Indian Police Academy are authorized to wear the pin on the top of the left pocket seam of the long/short sleeve shirt and centered. Command personnel are authorized to wear on the left pocket of the dress coat.



Police K-9 Unit Pin: All uniform personnel who have completed the K-9 training program and serve as agency K-9 may wear the pin on the uniform on top of the left pocket seam of the long/short sleeve shirt and centered. Command personnel are authorized to wear on the left pocket of the dress coat and centered.



Sharp Shooter Pin: All uniform personnel who have achieved sharpshooter qualification score for firearms are authorized to wear the pin on the uniform on the top of the left pocket seam of the long/short sleeve shirt and centered. Command personnel are authorized to wear on the left pocket of the dress coat and centered.



Air Assault Pin: All uniform personnel who have completed the air assault training by federal drug program are authorized to wear the pin on the uniform. The pin will be worn on the top left pocket seam of the long/short sleeve shirt and centered. Command personnel are authorized to wear the silver version on the left pocket of the dress coat and centered. A subdued version is authorized for TDU uniform.



Indian Police Academy Graduation Pin: All personnel who have graduated from the IPA are authorized to wear the pin on the uniform. The pin will be worn on the top left pocket seam of the long/short sleeve shirt and centered. Command personnel are authorized to wear on the left pocket of the dress coat and centered. Personnel are authorized to wear the pin on the lapel of business suit.



Effective: 01/09/2015
 Form # 1-21-A

Revised:

NOMINATION FOR ACHIEVEMENT AWARD MEDALS AND SERVICE PINS

The directorate/district/division/agency supervisor (highest ranking command) may submit this nomination form to the Indian Police Academy for an employee achievement award medal based on the criteria set forth in the Law Enforcement Handbook.

I, _____ hereby nominate _____
Employee's supervisor Name of nominee

Division/Agency: _____, District _____

for the following medal (s) (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> OJS Service Medal | <input type="checkbox"/> Police Unit Citation |
| <input type="checkbox"/> 5 year service Medal | <input type="checkbox"/> Life Saving Medal |
| <input type="checkbox"/> 10 year service medal | <input type="checkbox"/> Community Policing |
| <input type="checkbox"/> 15 year service medal | <input type="checkbox"/> Directors Award |
| <input type="checkbox"/> 20 year service medal | <input type="checkbox"/> Instructor Medal |
| <input type="checkbox"/> 25 year service medal | <input type="checkbox"/> Employee of the Year |
| <input type="checkbox"/> 30 year service medal | <input type="checkbox"/> FBINA Medal |
| <input type="checkbox"/> Military Medal | <input type="checkbox"/> Fitness Award |
| <input type="checkbox"/> IPA Service Medal | <input type="checkbox"/> Distinguished Weapons Expert |
| <input type="checkbox"/> Medal of Honor | <input type="checkbox"/> Expert Firearms Qualification |
| <input type="checkbox"/> Medal of Valor | <input type="checkbox"/> Education Achievement- BA |
| <input type="checkbox"/> Purple Heart | <input type="checkbox"/> Education Achievement- MSA |
| <input type="checkbox"/> Police Combat Cross | <input type="checkbox"/> Golden Gun |
| <input type="checkbox"/> Police Star Medal | <input type="checkbox"/> Top Gun |

Signed: _____
Employee's Supervisor

Directions:

1. Complete the 1-21-A Form and sign.
2. Attach required documented justification of the nomination event to support the award nomination (certificate, incident memorandum, etc.)
3. Mail or electronically submit the nomination package (form and justification) to the Deputy Associate Director, U.S. Indian Police Academy.
4. The nomination must include the documentation of the event being recognized.

ACADEMY USE ONLY

Nomination Status: ____ Issued ____ Declined

If approved: _____ Signature, Deputy Associate Director

If declined, justification: ____ not approved ____ justification

Date Issued: _____

Slide Holder Replacement Issued: Yes/No

Processed by: _____



Effective: 01/09/2015
CALEA Standard(s)--

Revised:

1-22 AUTHORIZED FIREARMS, AMMUNITION, TRAVELING ARMED

POLICY

It is the policy of the OJS to authorize specific firearms for use by officers and special agents in order to properly protect the community. Officers/special agents are not authorized to carry any firearm they have not been trained and qualified with. Officers and special agents will follow all FAA and airline regulations when flying armed. FAA regulations authorize federal law enforcement officers/special agents to fly armed when their federal agency requires the officer/special agent to be armed at all times.

RULES AND PROCEDURES

1-22-01 DEPARTMENT OF INTERIOR FIREARMS AND DEFENSIVE EQUIPMENT STANDARDS (446 DM 10)

446 DM 10 establishes firearms and defensive equipment standards for all DOI law enforcement officers. All OJS managers, supervisors, weapons custodians, and firearms instructors are responsible for being completely familiar with these standards.

1-22-02 AGENCY AUTHORIZED FIREARMS

- A. Only firearms and ammunition authorized by OJS for on and off duty use will be permitted. The firearm(s) and ammunition must meet the criteria established by DOI Departmental Manual 446 DM 10, this directive or as published periodically by IPA.
- B. Prior to carrying any firearm, the officer must have a form DI-105 signed by the District SAC or Chief of Police which has been submitted through his/her chain of command, must be fully trained in an IPA approved training course, and must demonstrate proficiency and qualify with the firearm and ammunition to be used.
- C. All firearms must be registered with the agency. The firearm must be examined by an agency firearms instructor or weapons custodian and found to be safe and reliable, prior to carrying. Weapons found to be unserviceable will be removed from service.
- D. A complete record of the weapons approved for the employee by the firearms instructor or the weapons custodian will be forwarded and included in the employee's supplemental personnel file. The record will list the type, description, identifying model, and serial number of each firearm, as well as the name of the assignee. The officer's immediate supervisor will also maintain copies of written authorizations for firearms and review approvals with the officer on an annual basis.
- E. All OJS law enforcement officers and special agents will be armed while on duty and while off duty are authorized to be armed or have a weapon readily accessible, in compliance with local or state regulations regarding carrying of firearms.
- F. Any lost or stolen government owned firearm will be reported through the chain of command to the Deputy Director, Office of Justice Services on a Serious Incident Report.



Effective: 01/09/2015
CALEA Standard(s)--

Revised:

1-22-03 HANDGUNS

A. On-Duty

Authorized handguns for uniformed officers/special agents are .40 caliber semi-automatic pistols (refer to Annual List of Authorized Equipment Items for currently authorized brand and model numbers).

B. Backup and Secondary handguns

.40 caliber semi-automatic pistols are authorized as a backup or secondary handgun.

C. The backup or secondary weapon must be carried on the officer's person.

1-22-04 SHOTGUN

The shotgun authorized for use by OJS officers is the 12 gauge shotgun (refer to Annual List of Authorized Equipment Items for currently authorized brand and model numbers)..

1-22-05 RIFLES

Rifles authorized for patrol duty use are .223/5.56 caliber rifles (Shall not be capable of automatic fire) (refer to Annual List of Authorized Equipment Items for currently authorized brand and model numbers).

1-22-06 AMMUNITION

A. The agency will furnish ammunition for agency sponsored training and duty use for all authorized handguns. Only agency furnished ammunition will be carried and must meet the following criteria:

1. The projectile (bullet) must weigh at least 75 grains.
2. Have a minimum advertised muzzle velocity of 750 feet per second.
3. Be of a hollow point design.
4. Be factory loaded and supplied by a manufacturer with a reputation of proven reliability.
5. Armor piercing and other loads deviating from the above standards are not to be utilized except in extraordinary circumstances as authorized by a supervisor.

B. Shotgun ammunition will meet the following criteria:

1. 00 Buck and rifled slugs.
2. Shotgun ammunition must be a factory load.
3. Specialty ammunition, i.e. rubber bullet or sabot rounds, gas rounds, may be carried by officers trained in their use and upon authorization of the Chief of Police or Supervisory Special Agent or designated supervisor.



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CALEA Standard(s)--

Revised:

C. Rifle ammunition :

1. High velocity, soft nose or hollow point
2. The ammunition must be a factory load.

1-22-07 STORAGE OF WEAPONS AND AMMUNITION

A. General Storage

1. OJS officers are authorized to store duty firearms (not automatic weapons) at their residence during off-duty periods provided appropriate safeguards are taken. Firearms stored at a residence should be stored in the safest possible location, such as a gun safe. In the absence of a gun safe in the residence, firearms must be, at a minimum, secured with a trigger lock device.
2. Approved trunk vaults may be used for storage of duty weapons, as long as the trunk cannot be opened automatically from the inside of the car when the car key is not being used.
3. In the event of extended periods of absence from duty (i.e. annual leave, sick leave, etc.) all assigned weapons will be secured in an approved storage area at the employee's duty station.

B. While on a special assignment or operation, assigned firearms shall not be stored in vehicles that are not in routine use and left unattended for extended periods of time.

C. When storage is necessary in a rental vehicle or the officers POV, the weapon(s) will be stored in the vehicle trunk, as long as the trunk cannot be opened from inside the vehicle when the ignition is off.

D. Weapons stored in duty vehicles must be secured inside the vehicle in a "Trunk Vault" style storage container or removed from the vehicle and stored in the officer's residence or duty station using a trigger lock.

E. Firearm storage areas at agencies and district offices will be considered an armory and at a minimum will consist of an approved gun safe(s) permanently installed in a room that can be locked and secured. A log will be maintained recording entry into the armory by all agency/district personnel. An armory will not be located in an evidence storage area.

1-22-08 ISSUANCE AND CONTROL OF FIREARMS

A. Responsibility for "Issuance of Firearms".

All firearms issued by the law enforcement agency are to be supplied by the District, Agency, or Critical Incident Response Team Commander.

Firearms and property will be assigned to Officers/Agents in accordance with Federal Property Management Regulations.

B. The "Accountable Property Officer" (APO) will be the BIA Regional Property Officer.



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CALEA Standard(s)--

Revised:

- C. The “Custodial Property Officer” (CPO) will be the OJS manager/supervisor.
- D. An individual file will be maintained for each agency firearm. Firearms and equipment issued to individual officers will be documented on form DI-105, copies of which will be maintained by the supervisor, CPO, APO, and firearms custodian. Firearms will remain with the officer during his tour of service. Officers will receive a copy of form DI-105 when a property item is issued.
- E. Un-assigned firearms and equipment will be maintained and inventoried by the APO, CPO, or weapons custodian in accordance with Federal Property Management Regulations. The APO will maintain an inventory of all assigned firearms and equipment.

1-22-09 RESPONSIBILITY FOR THE CARE, MAINTENANCE, AND REPAIR OF FIREARMS

- A. The care and maintenance of all issued firearms is the responsibility of the individual officer/special agent. Should mechanical or functional repair(s) to a firearm be identified, the officer/agent will notify his/her supervisor and a trained police firearm armorer, certified by the manufacturer of that particular weapon, will conduct the repair.
- B. Repairs to firearms will be documented and a file maintained by the Firearm Instructor within each agency.
- C. The agency Firearms Instructor will maintain files to include DI-105’s.

1-22-10 FLYING ARMED

A. FAA Regulations

The FAA and airlines regulate how law enforcement officers carry firearms. A memorandum of agreement between the Department of the Interior and the FAA covers federal officers. Officers of tribal agencies must provide the information required by FAR 108 in writing, including:

1. Travel dates and itinerary for flights when firearms are needed,
2. Certification of FAA’s required training for law enforcement officers,
3. The reason the officer needs to be armed, and
4. The original signature of the officer’s supervisor.

B. Officers/Special Agents must meet the following prerequisites to be allowed to carry a firearm on an aircraft:

1. They must be authorized by their employing agency to carry the firearm,
2. They must have completed training required by OJS and the FAA.
3. They must have a validated need to fly armed, including:
 - a. When providing protective escort,
 - b. Hazardous surveillance operations,
 - c. Prisoner escort,



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Revised:

- d. On official travel required to report to a new location, armed, and immediately prepared for duty.
- C. For specific information about each airline's requirements, officers/special agents will contact the airline's Ground Security Coordinator at the airport that they will use.
- D. Check in Procedures
1. At the time of check-in, the officer will physically check in with airline officials at the ticket counter a minimum of one hour prior to boarding, or as soon as practical in an emergency.
 2. The officer will present the following credentials:
 - a. A clear, full-face picture,
 - b. Employee signature, and
 - c. Official seal of agency or issuing official's signature.
- E. The officer will complete the air carrier's specific form for "Carry on Firearms Authorization".
1. The officer will hand a copy of the form to the gate agent or flight attendant when boarding.
 2. The officer will ask whether there are any other armed passengers on the flight.
- F. If the airline does not allow the officer to carry the firearm on board, the officer:
1. Will involve the Ground Security Coordinator,
 2. Will inform the on-duty supervisor as soon as practical, and
 3. If the incident is not resolved satisfactorily, return to the office and submit a memorandum detailing the incident to the supervisor who will forward a copy to the Special Agent in Charge.
 4. The Special Agent in Charge may forward a copy to the FAA for their review.
- G. During the flight, the officer will:
1. Not allow a prisoner to be served alcoholic beverages and will not consume any alcoholic beverage,
 2. Notify the flight attendant if the prisoner is not to be served a meal. Note: the officer will ensure that the prisoner uses plastic ware if a meal is served.
 3. Restrain the prisoner as permitted by the carrier; the officer must be able to restrain the prisoner at all times.
 4. Ensure that he/she and the prisoner remain seated until all the deplaning passengers have exited the plane.



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CALEA Standard(s)--

Revised:

H. In the event of a hijacking, officers will:

1. not become actively involved unless specifically required to do so by a uniformed crew member,
2. maintain an extremely low profile,
3. not get involved in the hostage negotiations,
4. observe and accurately note details of subjects for future recall,
5. hide any form of official identification that identifies their association with a law enforcement agency,
6. not respond to any suspicious noise they hear outside the aircraft,
7. remember that the passenger seated next to them could be part of the hostage taking group, and
8. in the event of a rescue operation, stay down and do not get involved (the rescue team will not know who you are).

I. In the event of an in-flight disturbance, officers:

1. will not attempt to intervene unless specifically asked to do so by a uniformed crewmember or unless human life is clearly and imminently at risk,
2. discretely volunteer assistance to a flight attendant in the event of a disturbance,
3. will not discharge a firearm because of the likelihood of fire, damage to hydraulics, electrical systems and other flight control components, damage to engines, and injury to an innocent person.

J. Prohibition on Carrying Chemical Agents on Aircraft.

No person may transport mace, cap-stun, or similar chemicals on aircraft or in checked or carry-on baggage.

K. Firearms in Checked Baggage.

No person may transport a loaded firearm in checked baggage. If an officer carries an unloaded firearm in checked baggage, he/she must:

1. Declare, at the primary ticket counter, that the bag contains an unloaded firearm, at the time that the bag is checked.
2. Check the bag in a hard-sided container that is locked and the key or combination is retained by the officer.
3. Ensure that a firearms tag is secured to the inside of the shipping container, not the outside.

1-22-11 RETURN OF FIREARMS AND OTHER GOVERNMENT EQUIPMENT

- A. When an officer/special agent is placed on suspension for any length of time or is placed on administrative leave pending an Internal Affairs investigation for wrong doing, the employee's immediate supervisor will retrieve all government issued equipment and credentials, including but not limited to firearms, key cards, credit cards, vehicle, etc. Appropriate DI-105's will be issued as receipts.



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Revised:

- B. When an officer/special agent is transferred to a new duty station, all agency/district issued property will be turned in, with the exception of the officer's/special agent's duty sidearm(s). The officer/special agent will receive copies of DI-105 documents showing receipt of the property. Upon arrival at the new duty station, the officer/special agent will ensure his/her sidearm(s) is/are properly transferred to the new duty station records.



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CALEA Standard(s)--

Revised:

NOTES



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1-23 WEAPONS TRAINING AND QUALIFICATION

POLICY

Sworn law enforcement officers are authorized by the Deputy Bureau Director, OJS to carry approved firearms and less-than-lethal weapons after demonstrating proficiency with each weapon. All training and qualification will be documented and continued carrying of any weapon is predicated on maintaining qualification with that weapon.

RULES AND PROCEDURES

1-23-01 GENERAL GUIDELINES

- A. Department of Interior 446 DM 10 establishes firearms and defensive equipment standards for all DOI law enforcement officers. All OJS managers, supervisors, weapons custodians, and firearms/intermediate weapon instructors are responsible for being completely familiar with these standards.
- B. All sworn law enforcement officers are required to attend scheduled firearms training and qualification exercises every six months and to achieve a qualifying score during these exercises with the weapons normally carried on duty.
- C. Training will include mandatory refresher training on OJS Use of Force policy and the rendering of appropriate medical aid after any use of force at least annually. Copies of these policies will be provided to officers during training. In-service training on intermediate (less-than-lethal) weapons will be conducted at least biennially.
- D. Officers may not carry any firearms with which they have not passed a qualification course within the previous six months. Officers will not carry, or be assigned to use, any intermediate weapon until trained in its proper use and associated safety procedures. Qualification with intermediate weapons must be maintained to continue to carry such weapons.
- E. A Firearms Instructor will be in command of all firearms training sessions regardless of the rank of any of the participants.
- F. Only persons authorized by the firearms instructor are permitted to use firearms on the range.
- G. Law enforcement officers who have taken extended sick leave or suffered an illness or injury that could affect his use of firearms is required to re-qualify before returning to enforcement duties.



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CALEA Standard(s)--

Revised:

1-23-02 HANDGUN, FIREARM TRAINING STANDARDS

- A. All officers will qualify on the approved Indian Police Academy FLETC Practical Pistol Course (PPC) in March and September of each year with the same make and model handgun(s) carried as duty weapon(s), using the type of IPA approved ammunition and the reloading method routinely used in the field. A minimum score of 80 percent is needed to qualify.
- B. Officers will use the same type holster as they use on-duty and will be dressed in a manner consistent with their on-duty attire.

1-23-03 SHOTGUN, RIFLE, AND SEMI-AUTOMATIC WEAPON QUALIFICATION

- A. All officers must complete IPA approved training and demonstrate proficiency and knowledge of the weapon before a rifle, shotgun, or semi-automatic weapon is issued and carried.
- B. Re-qualification using an IPA approved course of fire, with a minimum score of 80 percent, is required in March and September of each year.

1-23-04 DOCUMENTATION OF WEAPONS TRAINING

- A. A firearms instructor will supervise and document the instruction and qualification.
- B. The instructor will document all weapons qualifications, including:
 - 1. Name of officer,
 - 2. Pass/Fail,
 - 3. Date,
 - 4. Signature of firearms instructor,
 - 5. Make, model, and serial number of weapon used,
 - 6. Ammunition used,
 - 7. Required remediation, if needed,
 - 8. Holster type.
- C. Certification of use of force instruction, and Supervisor's approval.
 - 1. The instructor will forward the documentation to the District Training Coordinator and IPA for inclusion in the employee's training record.
 - 2. The OJS Manager will maintain a record of firearms training.
 - 3. OJS Firearms Qualification Form.

1-23-05 FAILURE TO MAINTAIN QUALIFICATION

- A. A commissioned employee, who fails to qualify with his duty handgun, shotgun, or rifle with a score of 80 percent or higher, may not perform law enforcement duties or carry a firearm after March 31/September 30 until he/she is able to re-qualify and meet the minimum standards.



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Revised:

- B. Firearms instructors will give officers who fail to qualify at a proficiency qualification shoot immediate 1-2 hours of remedial training and afford them one additional opportunity to qualify.
- C. If officers fail to qualify, the firearms instructor in charge of the qualification will notify the officer's highest-ranking supervisor immediately in writing.
- D. Officers who continue to fail to demonstrate basic firearms proficiency and/or minimum standards will be required to obtain additional training not to exceed a total of eight hours, as determined by the ranking law enforcement officer.
- E. Officers failing their initial attempt to qualify will be afforded no more than four additional attempts to qualify within the qualification month. Continued failure to meet standards will result in disciplinary action to the extent of reclassification, reassignment, or termination.
- F. The ranking OJS Manager and supervisor are responsible for taking corrective action.

1-23-06 INTERMEDIATE FORCE WEAPONS AND DEFENSIVE WEAPONS

- A. Officers are authorized to carry only those intermediate force (less than lethal force) weapons which have been approved by the OJS Deputy Bureau Director, and are included in this directive, and then only after receiving training in the proper use, precautions, and actions to be taken following use associated with each of these weapons. When qualification is required, this qualification will be maintained in order to continue to carry the issued less-than-lethal weapon(s).
- B. An instructor, who is qualified for each type of intermediate force weapon used, will supervise and document the instruction. Instructors will attend refresher training annually in September of each year.
- C. Intermediate force weapons approved for use include:
 - 1. Expandable baton
 - 2. Chemical Agent
 - 3. Electronic Control Device
- E. Vascular Restraint Holds (choke holds) are prohibited.



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CALEA Standard(s)--

Revised:

1-23-07 MEDICAL ATTENTION

In use of force incidents when an officer uses an approved lethal or less-than-lethal weapon, medical attention may be required. If a subject complains of an injury, is unconscious, or has an obvious injury requiring medical attention beyond the capability of the officers' training in first aid, a medical emergency unit will be requested to render medical assistance or transport the subject to a medical facility. When a chemical agent has been applied, first aid shall be administered according to the manufacturer's recommendations and OJS training.

1-23-08 RESTRICTIONS ON OFF-RANGE TRAINING EXERCISES

- A. When simulating field situations off-range during training, officers will use no weapons capable of chambering live ammunition. This does not preclude the use of certified lesson plans, on a range, which include live fire.
- B. For these situations, the authorized weapons, designated as "SAFE" weapons will be altered in such a way as to prevent the chambering of live ammunition.
- C. The instructor will inspect "SAFE" weapons prior to their use.
- D. Prior to the training exercise, if "SAFE" weapons will be used, the instructor and supervisor, assistant instructor, or designated student will ensure that all participants who will handle "SAFE" weapons have no other weapon or live ammunition on their persons or immediately available to them.
- E. The instructor will ensure that all other participants and students are unarmed during the period of the exercise.



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CALEA Standard(s)--

Revised:

1-24 ELECTRONIC CONTROL DEVICES

POLICY

OJS officers, when properly trained, are authorized to use Electronic Control Devices to control individuals when this is the most appropriate means of bringing the individual under control.

RULES AND PROCEDURES

1-24-01 GENERAL INFORMATION

- A. Department of Interior 446 DM 10 establishes firearms and defensive equipment standards for all DOI law enforcement officers. All OJS managers, supervisors, weapons custodians, and firearms/intermediate weapons instructors are responsible for being completely familiar with these standards.
- B. The OJS Electronic Control Device will include an attached video recording device and color coding for safety purposes (refer to Annual List of Authorized Equipment Items for currently authorized brand and model numbers).
- C. Only ECD manufactured specific holsters and equipment will be utilized for the carrying and maintenance of the ECD.
- D. The ECD is not a substitute for deadly force. It is an intermediate weapon that may be appropriate for use in some situations. The ECD is one of the many options available to officers. The ECD like other defensive equipment may not be effective in every situation.
- E. Situations that begin as standoffs have the potential to escalate to lethal force. Timely use of the ECD can prevent many of these situations from escalating to deadly force levels.
- F. The ECD can be used in situations where it is unsafe for an officer to approach within contact range of a non-compliant suspect. The ECD can also be used as a contact stun device.
- G. Officers must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the ECD will be dependent upon the actions of the subject, the threat facing the officer, the officer's perception, and the totality of the circumstances surrounding the incident.
- H. The ECD should be handled with the same precautions as handling a loaded firearm. The ECD should be maintained according to the manufacturer's recommendations and OJS guidelines. The use of an ECD constitutes a Use of Force.



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CALEA Standard(s)--

Revised:

1-24-02 USE OF FORCE CONSIDERATIONS

- A. The use of the ECD constitutes a Use of Force.
- B. An officer may draw and discharge the ECD on a subject when the officer reasonably believes that the subject is threatening the officer or a third party with bodily harm; and the officer reasonably believes that the subject possesses the apparent ability and opportunity to carry out the threat.
- C. Other considerations for deployment of the ECD are imminent threat of officers and/or others, severity of the incident, inclusive of the totality of the circumstances.

1-24-03 TRAINING AND ISSUANCE OF ECD'S

- A. Only officers who have successfully completed the OJS approved training program, or IPA/FLETC ECD training will be authorized to carry ECD's. All personnel authorized to carry these devices will meet annual in-service training requirements as set by the manufacturer.
- B. Instructors who have been certified by IPA and/or FLETC as agency ECD Instructors will be the only persons authorized and certified to instruct officers in the use of ECD's.
- C. ECD's are assigned specifically to each officer, along with associated equipment. These devices will not be shared, passed on to the next shift, etc.
- D. ECD's will be stored in the same manner that firearms are (refer to LE Handbook 1-22-07 A., C., D., E., F.) when assigned to an officer and as unassigned inventory at an agency or district office. When an officer/agent transfers to a new duty station, any issued ECD will be turned in to the agency/district property manager. The officer/agent will receive the appropriate DI-105 receipt.

1-24-04 OFFICER RESPONSIBILITIES

- A. Officers will be responsible for the control and safety of the ECD unit and related equipment assigned to them.
- B. Officers will secure the ECD in the same manner their duty issued side arm is secured while off duty. The battery and cartridge should be removed to render the weapon safe.
- C. Each officer carrying the ECD will have a minimum of three cartridges with them or carried inside their assigned patrol unit. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.



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Revised:

- D. Only battery power sources recommended by the manufacturer shall be used in the ECD.
- E. The ECD shall be maintained according to the manufacturer's recommendations.
- F. Manufacturer recommendations for long-term storage of the ECD will be followed.
- G. Uniformed and Non-uniformed officers will carry the ECD in the manufacturer's approved holster on the side opposite of the duty firearm; cross-draw position is optional.

1-24-05 WEAPON READINESS

The ECD device shall be carried with an inserted cartridge, power source in place, with the safety on. The strength of the power will be checked at the beginning of each shift. The power source will be replenished when it drops below 20% power. A spark test will be conducted at the beginning of each shift. ECD's will not be stored in a vehicle except "temporarily" when secure storage in a building is unavailable.

1-24-06 DEPLOYMENT GUIDELINES

- A. The ECD will only be deployed as instructed in the official IPA certification course.
- B. The ECD causes temporary paralysis of the suspect. This paralysis should be taken into consideration when making a use of force decision.
- C. A non-contact demonstration of the ability to discharge electricity (i.e. a 'Spark Display') may be used with verbal commands to attempt to gain compliance to a lawful command without the ECD being deployed in the touch stun or probe mode. A spark display is conducted only when the cartridge has already been deployed or has been removed from the weapon.
- D. ECD deployment may be in situations where an individual refuses to be placed into custody, fails to follow verbal commands, or is known to be a dangerous or violent individual. To reduce risk to the officer and offender, the ECD will normally be used up to a need for an impact weapon or other intermediate force weapon.
- E. The ECD may be used in place of Oleoresin Capsicum based on the officer(s) observations of the situation and what the officer(s) deems to be the safest and most effective manner to de-escalate the situation given the totality of the circumstances.



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Revised:

- F. The ECD may be used if it is reasonably expected that it will be unsafe for an officer to approach a violent/dangerous subject or if attempts to subdue the subject by other conventional tactics are perceived by the officer to be ineffective.
- G. When an officer draws the ECD, the attached video camera will be activated immediately.
- H. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the operational objective.
- I. The subject should be secured as soon as practical while disabled by ECD power to minimize the number of deployment cycles needed. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- J. The device may also be used in a 'touch stun' mode. Use of the "touch stun" mode is subject to the same deployment (use) guidelines and restrictions as that of the ECD in cartridge deployments.
- K. Primary consideration will be shot placement to the center of mass area and to the back.
- L. The ECD is not intended to replace firearms or self-defense tactics.
- M. The ECD may be used on animals when other conventional means to control the animal have been exhausted, or may be unreasonable.

1-24-07 UNAUTHORIZED DEPLOYMENT

- A. The ECD should not be used in the following circumstances, unless there are compelling reasons to do so that can be clearly articulated:
- B. In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material that may be ignited by an open spark are present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).
- C. In, on, or immediately adjacent to a body of water in which the individual subject to control could be located during any stage of the application of the ECD.
- D. In any environment where the suspect's fall could reasonably result in serious injury or death.
- E. Against women believed to be pregnant.
- F. Against frail and/or infirm elderly, or the very young.
- G. When the subject is operating a motor vehicle.
- H. In a situation where deadly force is clearly justifiable, unless another law enforcement officer is present and capable of providing deadly force to protect the officers/civilians if necessary.



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- I. The ECD will not be used in cases of passive resistance unless the totality of the circumstances warrant that a lesser level of force would be ineffective or attempting to use a lesser level of force may jeopardize the safety of the subject and/or others.
- J. The ECD will not be used in a punitive or coercive manner, to threaten in an attempt to gain information from a person, to wake a person, or as a "Prod".
- K. The ECD will not be used against a person already restrained/handcuffed unless the subject displays overt physical aggression that cannot reasonably be dealt with in any other less intrusive fashion.
- L. No officer will playfully, maliciously, or intentionally misuse the ECD in a display of power against an individual.
- M. ECD's will not be used in a detention/corrections facility unless specifically requested by a detention/corrections supervisor or in immediate response to a life threatening situation.

1-24-08 SUBJECT CARE AFTER DEPLOYMENT

- A. Certified ECD operators may remove the ECD probes after the subject is secured. Precautions shall be followed to protect the officer from the transfer of body fluids. Only medical staff will remove probes embedded in sensitive tissue areas, i.e. the groin neck, face, or female breast. Officers are responsible for ensuring necessary first aid is rendered.
- B. Officers will notify correctional personnel at the time of booking that the suspect was struck with an ECD charge.
- C. The suspect shall be taken to an emergency care facility for the following situations:
 - 1. When the deploying officer or supervisor determines that it is necessary.
 - 2. High risk subject (pregnancy, excited delirium, elderly or very young, under the influence of drugs, known relevant medical conditions, etc.)
 - 3. When an individual has received more than 3 deployment cycles.
 - 4. If the subject displays signs of distress including loss of consciousness, chest pain, difficulty breathing, etc.

1-24-09 REQUIRED REPORTING

- A. Officers who have deployed an ECD shall notify their supervisor as soon as practical after using the device.
- B. Photographs of the affected area should be taken before and after the probes are removed. Removal of the probes shall not be unnecessarily delayed to obtain a photograph if a camera is not available.
- C. When the device has been used, the officer will collect the air cartridge, wire leads, probes, and Anti-Felon Identification System (AFIDS) ID tags as evidence, if possible.



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- D. Probes will be put back into the expended cartridge or deposited in a "Sharps" type or other suitable container. The expended cartridge will then be placed into an evidence bag and secured as evidence.
- E. All officers will be responsible for reporting ECD deployments, including accidental deployments.
- F. Officers will file an Incident report with their immediate supervisor consistent with existing BIA/OJS policy, including identifying the serial number of the unit and cartridge discharged.

1-24-10 NON-ECD CARRYING OFFICERS

- A. All officers shall be fully trained and certified in the use of an ECD even though they may not be issued an ECD.
- B. Officers not currently certified with an ECD should:
 - 1. Upon encountering a situation in which an ECD may be required, immediately broadcast a request for an ECD operator.
 - 2. Provide back-up for the ECD operator and be prepared to take action if the ECD is not effective.
 - 3. After successful ECD deployment, back-up officers should move in quickly and handcuff the subject if it is safe to do so. Officers should not wait until the five-second cycle is complete and officers should avoid touching the connecting wires.
 - 4. Supervisors should schedule untrained/uncertified officers for training/certification as soon as possible.

1-24-11 SUPERVISOR/AGENCY RESPONSIBILITIES

- A. A supervisor when advised of a deployment should respond to incident scenes where an ECD was activated when appropriate.
- B. A supervisor should conduct an initial review of an ECD activation.
- C. Agencies with officers that are issued ECD's will ensure that the chemical spray carried by the officer is non-flammable.
- D. The agency Chief of Police is responsible for insuring officers are properly trained in the use of the ECD in accordance with OJS policy, prior to officers being allowed to carry and deploy the ECD.
- E. An ECD program manager (or instructor) will download the time/date discharge data from the ECD unit as soon as possible after deployment and maintain a log of the deployment for use as evidence.



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- F. Any deployment of an ECD either intentional or accidental will be reported and verified through the ECD software by a supervisor. A report will document the reason for the deployment and will be forwarded to the Chief of Police and District Office.
- G. The Chief of Police or designee will conduct a maintenance download of each agency ECD and retain these records. A record of all ECD deployments will be retained.
- H. Training and certification records must be maintained in the officer's training file.
- I. Only ECD factory certified armorers are authorized to repair the ECD.



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1-25 VEHICLE EQUIPMENT, OPERATION, AND SPECIALTY VEHICLES

POLICY

Office of Justice Service vehicles will be properly maintained and equipped with emergency supplies and equipment for the safety of the employees and citizens.

RULES AND PROCEDURES

1-25-01 VEHICLE EQUIPMENT

- A. The exterior of a marked vehicle will be equipped with:
1. A set of overhead lights, or light bar, mounted on the roof of the vehicle.
 2. A siren.
 3. Spotlight(s) near the front doors. Rear view warning lights, either as part of the overhead light bar, or mounted on the rear window deck.
 4. Side mounted alley lights.
 5. Forward facing take down lights.
 6. Decals identifying the vehicle as a law enforcement vehicle and the name of the agency.
- B. Marked vehicles will have an approved prisoner barrier installed between the front and back seat.
- C. Unmarked vehicles will be equipped with installed front and rear emergency lights, siren, and PA system.
- D. The interior of each vehicle will be equipped with:
1. A multi-channel radio
 2. Switches that activate and control the warning lights, siren, and emergency lights.
 3. Weapons mounting/storage devices, e.g. lockable gun racks, vaults, etc.

1-25-02 EMERGENCY VEHICLE OPERATION

- A. Emergency vehicles include marked and unmarked vehicles containing siren, and emergency red/blue flashing lights. Only sworn law enforcement officers/special agents are authorized to operate emergency vehicles. Civilian employees of the BIA-Office of Justice Services are specifically prohibited from operating these vehicles.
- B. The only exception to operation of an emergency vehicle is when an authorized mechanic is test driving the vehicle to ensure proper operation of the vehicle, and in every case, actual operation of any emergency equipment is not authorized while the vehicle is being test driven.



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1-25-03 LICENSING AND SEAT BELT USE IN GOVERNMENT VEHICLES

- A. All OJS employees operating a government vehicle will have in their possession a current and valid government issued driver's license. When applicable, the license must have a proper endorsement. Government vehicles include all owned, leased, or rented vehicles used by the government.
- B. Seat belts will be used by all occupants of government vehicles. The vehicle driver is responsible for ensuring all passengers comply with this rule. All OJS prisoners will always be seat belted, regardless of what position they occupy in the vehicle. The only exception will be vehicles without factory installed seat belts.

Sick, injured, physically disabled, or extremely intoxicated prisoners that cannot be properly restrained with a seat belt will be transported by ambulance.

1-25-04 EMERGENCY SUPPLIES AND EQUIPMENT

- A. All marked and unmarked vehicles will be equipped with the following emergency supplies and equipment:
 - 1 Fire extinguisher.
 - 2 Flares.
 - 3 Agency approved trauma bag.
 - 4 Blanket(s).
 - 5 Latex gloves.
 - 6 Flashlight.
- B. Marked, unmarked, and specialized vehicles may be equipped with the following equipment:
 - 1. Latent fingerprint processing equipment and supplies, i.e., powder, brushes, tape, cards, etc.
 - 2. Camera and film.
 - 3. Evidence bags, plastic and paper, and appropriate tags and marking materials.
 - 4. Tape measure.
 - 5. Crime scene marking and barrier tape.
 - 6. Medical supplies
 - 7. Shovel.
 - 8. Pry bar.
 - 9. Map books.
 - 10. Hazmat Response Guide.
 - 11. Sledge Hammer.
 - 12. Axe.
 - 13. Other approved equipment or supplies.



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1-25-05 INSPECTION OF VEHICLES

- A. At the beginning of each shift the vehicle operator will document any new vehicle damage and inventory all emergency equipment and supplies in the vehicle based on LE Handbook Section 1-25-04. This inspection and inventory will be documented on the Daily Activity Log (Form 2-07-A).
- B. On-coming officers will inspect their vehicle before beginning their tour of duty. Officers will take steps to fix any problems they discover with equipment, materials, or supplies and report the problem, and the action taken, immediately to their direct supervisor.
- C. Officers will check cleanliness, general operability of equipment, and fluid levels (oil, brake fluid, gas, etc.) of their assigned vehicles daily.
- D. The driver must also check the safety features of his/her vehicle before commencing operation. The check should include, but is not limited to all lights, brakes, siren, horn, and steering.
- E. Officers will examine their vehicles at the beginning and end of their shifts for damage. Officers will immediately report any damage to their supervisor.
- F. Officers will search for evidence, contraband, or property discarded by prisoners or others at the beginning and end of their shifts. The searches will be noted on the Daily Activity Log. Refer to LE Handbook section 2-04-01 B for additional guidance.
- G. Officers who discover a police vehicle in need of extensive repairs will immediately inform the supervisor.
- H. If, in the opinion of the Chief of Police or Special Agent in Charge, the vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.

1-25-06 VEHICLE MARKINGS

Vehicles that have been designated as marked police vehicles will be identified with decals that identify them as such. The Deputy Bureau Director of OJS will issue a memorandum outlining the size, shape, and verbiage of the emblems. In addition to emblems identifying the vehicle as a police vehicle, the following information will be conspicuously displayed on the outside of the vehicle:

1. Reflective striping on the trunk lid and on both sides of the vehicle.
2. Emblems and striping of standard size, design, and color as approved by the Deputy Bureau Director.



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1-25-07 MAINTENANCE REQUIREMENTS

- A. Each government vehicle is issued a government credit card. These cards are for government vehicle use only and are to be used only for the U.S. Government vehicle identified on the card, consistent with GSA rules.
- B. Operators will completely and accurately record all fuel, oil, and other credit card and purchase order purchases in the Vehicle Operators Record provided with the vehicle. Officers will completely and accurately document each service purchase within the Monthly Vehicle Report section of the Vehicle Operators Record, along with receipts and invoices that coincide with purchases.
- C. Officers will turn in each equipment operation data page of the Monthly Vehicle Report as required by the Special Agent in Charge. All service reports and gas receipts must be legible and turned in monthly with the data page. Disciplinary action will be taken if logs are not approved.

1-25-08 SPECIAL USE VEHICLES

- A. Plan for Specialized Vehicles.

If the agency uses any specialized vehicles, a written plan must be developed for their use. The District Special Agent in Charge will authorize and approve these plans. The plans will include, but are not limited to:

1. A statement of the objectives of their operation or usage,
2. Instructions, conditions, and limitations of usage,
3. Authorization for use in various situations,
4. Qualifications and training for personnel assigned to operate the vehicle.
5. Written designation of the person or position responsible for the condition and maintenance of the vehicle.
6. A listing of equipment, if any, to be kept in or on the vehicle.
7. A listing of persons or positions authorized to operate the vehicle and its equipment.
8. A list of all safety equipment (if any) to be used by operators and passengers of the special vehicle.

- B. Tribal law enforcement agency requests for use of special vehicles.

OJS law enforcement may receive requests from tribal LE agencies for use of special vehicles. In order to comply with federal government requirements, the appropriate MOU/MOA must be in place for both 638 Contract agencies and self-governance agencies. SAC's and Chiefs of Police have the discretion to authorize use by these agencies, as long as all training, operator usage, and safety requirements are complied with. In cases where a special vehicle requires a specially trained operator, an OJS officer may be assigned to operate the vehicle.



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1-25-09 ALL TERRAIN VEHICLES AND MOTORCYCLES

A. In every case, the provisions set forth in LE Handbook Section 1-25-08 will be completely complied with.

B. Training

Only officers trained specifically in the use of the ATV and/or motorcycle are authorized to operate the vehicle. The training course must be IPA approved. When applicable, the officer's driver's license must include the proper endorsement.

C. Safety Equipment

The appropriate safety equipment for the vehicle being used will be worn at all times. Safety equipment includes but is not limited to:

- a. BIA-OJS DOT approved safety helmet
- b. Shatterproof eye protection (goggles or glasses)
- c. Gloves
- d. Above ankle leather boots
- e. OJS issued ballistic vest

D. General Operating Rules

1. When operating an ATV or motorcycle, safety is always the primary concern. Any reckless behavior will result in the immediate removal from the ATV/motorcycle use and privileges and a ban from any further use.
2. Prohibited practices include but are not limited to:
 - a. Any personal use
 - b. Excessive speed
 - c. Purposely popping the front wheels off the ground (wheelies).
 - d. Jumping
 - e. Chasing livestock or any animals
 - f. Operation without proper safety equipment
3. An equipment usage/inspection log will be completed following each usage.
4. Any damage sustained by an ATV/motorcycle shall be reported immediately to the on-duty supervisor and a report will be made.

E. Equipment and Maintenance

1. If an ATV or motorcycle is assigned exclusively to one officer, the care and basic maintenance following manufacturer guidelines, is the responsibility of that officer. In the case of pool vehicle(s), the SAC or Chief of Police will identify a supervisor or officer who will be responsible for care and maintenance of the vehicle.
2. Pre usage and post usage safety and inspection checks will be made, consistent with vehicle manufacturer recommendations. After use, the vehicle will be refueled, cleaned, and in response ready condition.
3. All vehicle maintenance will be performed based on manufacturer's recommendations. Mechanical services will be provided by trained mechanics.



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1-25-10 LIST OF OJS AUTHORIZED SPECIALIZED VEHICLES

(LIST TO BE DETERMINED)



Effective: 01/09/2015
 Form # 1-25-A.

Revised:

**Request for Use of Government Vehicle
 Between Employees' Domicile and Place of Official Duty**

Date _____

To: _____ Deputy Director, Office of Justice Services (OJS)

From: _____
 (Name and Location of Agency)

Subject: Request for Use of Government-Owned Vehicle between Employee' s Domicile and Place of Official Duty

1. Pursuant to BIAM 114H-38.5005 it is recommended that the employee listed below be granted authority to operate a Government vehicle as indicated on this form and in the attached justification.

2. _____
 Employee' s Name and Title

3. _____
 Location of Employee' s Official Duty Station

4. _____
 Location of Employee' s Domicile

5. _____
 Year, Make, Model and License No. of Vehicle

6. JUSTIFICATION: (Give detailed explanation of relationship between duties of employee and proposed use of the vehicle, pointing out all factors that tend to establish the best interest of the Government. The nature and frequency of possible emergencies must be demonstrable as warranting an authorization permitting the use of the vehicle between the employees' domicile and place of employment. Justification must meet the criteria of IPMR 144-38.5005, and BIAPMR 114H-38.5005. (Attach justification to last sheet. Reference Item No. 5).

7. Signatories certify that use of vehicle is required as checked below (Sec. 205 DM 9.1B(2):

_____ Protection of life and property.

_____ Other. Explain (must be in best interest of the Government).



BIA-OFFICE OF JUSTICE SERVICES
 LAW ENFORCEMENT HANDBOOK FORM



Effective: 01/09/2015
 Form # 1-25-A.

Revised:

This request, if approved, shall be reviewed and evaluated every three months by the Special Agent in Charge, OJS, and if it is determined that the best interest of the Government would be served by discontinuing such use of the vehicle, this authorization shall be revoked, and a copy of the revocation forwarded to the Bureau's Division of Property Management. (ALL SIGNATORIES ARE CAUTIONED TO READ THE PROHIBITIONS AND WARNINGS CONTAINED IN 31 U.S.C. SEC 638a (c)(2). THIS REQUEST, IF APPROVED IS NON-TRANSFERABLE).

 Employee's Signature

 Date

BIA-OJS Manager, Recommendation for Approval:

 Signature

 Date

Reference Item No. 6

Justification: List justification for domicile



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1-26 USE OF DIGITAL AUDIO/VIDEO RECORDERS AND CAMERAS

POLICY:

It is the policy of the Office of Justice Services to record electronic/audio/photographic evidence, regardless of the device used to record the evidence, and establish standards for securing electronic/audio/photographic evidence in a manner that safeguards its accuracy and reliability for prosecution. Recordings will be used when practicable, to corroborate and document use of force incidents, interviews, execution of search warrants, traffic enforcement, and other public contact.

This policy is not intended to be a training manual or a specific operating procedure, nor does it discuss procedures for the collection of surveillance, wiretapping, or other investigative methods.

DEFINITIONS:

- A. **Electronic/Audio/Photographic Recording Device:**
Any tool, equipment, or media used by the government to record and store video, audio or photographic product that may or may not constitute actual evidence (For example, in-car video recorder, wearable video recorder, ECD equipment, smart phone, recording devices employing digital storage media of any type or voicemail).
- B. **Electronic/Audio/Photographic Evidence:**
Any electronic, audio or photographic record made by a LEO related to an active investigation. It is important to recognize that not all recorded material requires submission to the evidence repository (e.g. crime scene photographs, non-child interviews, etc. that is retained in the case file or with the incident report).

RULES AND REGULATIONS:

1-26-01 RESPONSIBILITIES:

- A. Officers should ensure the proper handling and preservation of electronic/audio/photographic evidence while acting in their official capacities.
- B. Officers are expected to use good judgment in producing recordings that aid in administrative or criminal investigations. Recording events of a political or religious nature are prohibited absent a clear nexus to an investigation. Officers should avoid recording incidents that would unnecessarily infringe upon a citizen's privacy or are not critical to investigations, e.g., death notifications. Officers may not use government-issued recording devices for their personal use. Conversely, officers may not use personally-owned recording devices for law enforcement use. All original and duplicated recordings of evidence are property of the U.S. Government.



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- C. Evidence may not be manipulated after it has been recorded. All electronic/audio/photographic evidence must be submitted to the proper authorities responsible for evidence retention and maintained in accordance with relevant Federal Rules of Evidence and LE Handbook Section 2-48.
- D. Failure to adequately preserve and present evidence could result in the dismissal of cases, the inadmissibility of evidence, and both civil and criminal liability.
- E. Use of recording devices must be in accordance with federal, state, and local laws so that the recorded evidence is protected from legal challenges in court.

1-26-02 AUTHORIZED RECORDING DEVICES

- A. Various devices are used to record and document law enforcement activities. The recording device may be single media or combined into a device that records multimedia. These devices include, but are not limited to:
 - 1. Film and digital cameras
 - 2. Audio recorders
 - 3. Video recorders
 - 4. Cell phones
 - 5. ECD video recorder (refer to LE Handbook Section 1-24 for guidelines)
 - 6. Lapel or body type recorder
 - 7. In-Car Video System (refer to LE Handbook Section 2-25 for guidelines)
- B. Only recording equipment issued by OJS is authorized for use. Officers must be trained in the use of the equipment and this directive prior to the equipment being issued.

1-26-03 PROCEDURES FOR USE AND MAINTENANCE OF EQUIPMENT

- A. Depending upon the recording devices selected by OJS for use by officers, the recordings may be on removable or non-removable media. Officers will use manufacturer guidelines for transferring the recordings for permanent storage. Recordings collected as evidence will be entered into the evidence repository. All other recordings requiring retention will be forwarded to the officer's supervisor for retention or retained in the case file/incident report.
- B. Equipment and devices requiring calibration will be calibrated in accordance with manufacturer specifications.
- C. When equipped, all recording devices will have electronic date/time codes activated at all times to ensure the validity and integrity of recordings.



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- D. Lapel type recording devices will be active during a call for service and deactivated at the conclusion of the call for service.
- E. Officers are not required to continue recordings that would infringe on personal privacy (e.g. Lapel or body type cameras during restroom breaks).
- F. Officers will ensure that recording devices are fully operational, have adequate storage space, and have sufficient battery life (if applicable) prior to the beginning their shift.
- G. Supervisors will include all officer issued recording devices in monthly inspections of equipment to ensure proper function. Supervisors will also inspect recording devices during shift inspections.
- H. Supervisors will review recordings to determine whether video/audio recording equipment is being fully and properly used and to identify training needs. Supervisors will identify recordings that should be preserved as evidence that were not initially identified as such.
- I. Supervisors will ensure that damaged or non-functional audio/video/photographic equipment is promptly replaced. When applicable, equipment will be repaired in accordance with manufacturer guidelines and reissued.
- J. Officers will submit all recorded media, not requiring submission to the evidence repository, to their supervisor for downloading and proper retention. Supervisors will retain all non-evidentiary recorded media submitted by officers.
- K. All issued equipment will be documented on a DI-105, Receipt for Property. A copy of the DI-105 will be retained in the individual officer's local personnel file.

1-26-04 AUTHORIZED USE OF EQUIPMENT OR DEVICES WITH RECORDING CAPABILITIES

- A. It is the responsibility of the primary officer to ensure that incidents/contacts are recorded in their entirety. Personnel will use issued audio/video digital recorders to document incidents including, but not limited to:
 - 1. Use of Force and Resisting Arrest incidents.
 - 2. Pursuits.
 - 3. Disorderly Conduct Arrests.
 - 4. During the execution of a search warrant.
 - 5. When dealing with mentally impaired or highly intoxicated individuals.
 - 6. Domestic violence calls.
 - 7. All calls involving suspected suicidal and/or suicidal individuals.
 - 8. When a citizen refuses to sign a traffic citation.



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9. When officers seek verbal/written permission to search a residence, building, structure, or vehicle. Officers will record through the duration of the search.
10. The circumstances at crime and collision scenes or other events such as the confiscation and documentation of evidence or contraband.
11. When conducting interviews or interrogations in the furtherance of a criminal investigation.
12. Any call for service where the officer is engaged with a member of the public.

1-26-05 COMPLIANCE WITH CURRENT LAWS

Supervisors will coordinate with federal, state, and local jurisdictions to ensure that recordings and recording procedures do not violate consent requirements. Supervisors will familiarize officers with the relevant jurisdictions' consent requirements for the use of recordings so that the recorded evidence is protected from legal challenges in court.

1-26-06 PROHIBITED RECORDINGS

- A. OJS Personnel shall not make any audio, video, or photographic recording, or allow another to do so, for their personal use of any job related incident by any means, including but not limited to the following:
 1. Film or digital camera
 2. Film or digital video recorder
 3. Cell phone camera - voice recorder
 4. In-Car Video System
 5. Digital voice recorder
 6. Lapel or body type camera
- B. Conversations between employees will not be recorded without all parties to the conversation being aware of the fact that it will be recorded. The only exceptions are those instances involving administrative and criminal investigations of BIA-OJS personnel.
- C. Recording events of a political or religious nature are prohibited absent a clear nexus to an investigation.
- D. Supervisors will be aware of agreements with collective bargaining units on ground rules to assure that audio and video recordings will not be misused to inappropriately monitor officers' daily routines.



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1-26-07 SAFETY ISSUES

Officer and public safety is paramount and is the primary consideration during an incident. The activation of recording device(s) will not take precedent over officer or public safety. If recording devices are previously active, recordings will be retained to ensure proper documentation of the incident.

1-26-08 TRAINING

- A. Training on equipment will be consistent with the manufacturer's recommendations for use and respective device manuals.
- B. Refresher training will be conducted as needed with new equipment, technology, legal updates, and operational precautions.

1-26-09 GUIDANCE WHEN CITIZENS SPECIFICALLY REQUEST THAT THE LEO NOT RECORD A CONTACT OR INTERVIEW

- A. When a citizen specifically requests a contact not be recorded, the officer must decide whether to proceed with recording or not. In most cases the contact should continue unrecorded if the officer believes the information is pertinent to an incident identified in section 1-26-04, except as identified in part D of this section.
- B. Officers/agents will obtain verbal consent to digital audio record witness and victim interviews from the interviewee prior to the interview. If the interviewee refuses consent, reassure the interviewee that a recorded interview will accurately reflect their statement. Do not record if the interviewee maintains their refusal. Interviewees identified as a suspect or subject, in a custodial interview under a rights advisal, do not have the right to refuse the recording of an interview, but will be informed that the interview is being recorded.
- C. When interviews and contacts are not recorded, detailed notes should be taken to ensure all information is obtained. The contact or interview will then be thoroughly documented within the appropriate investigative report as soon as possible.
- D. In-Car Video Systems, ECD cameras will not be turned off. Lapel or body type cameras will not be turned off based solely at the request of a citizen.



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1-26-10 PRESERVATION, CONTROL AND SECURITY OF MEDIA

- A. All recorded media will be properly identified and labeled prior to being submitted as evidence or being submitted for storage. Recorded media submitted into evidence will be downloaded onto a CD/DVD, as read only, and labeled in accordance with evidence handling procedures. Recordings submitted to a supervisor for storage will include date of recording, responsible officer, and case/incident number as appropriate.
- B. Electronic/audio/photographic media that requires submission to the evidence repository is primarily derived from suspects, witnesses, and other sources that are evidentiary in nature. Media identified as evidence will be properly documented on a chain of custody form, and submitted to the evidence technician as soon as practicable. Recordings and photographs will be retrieved from seized devices in accordance with search and seizure requirements, and will also be retained as evidence. Examples of media requiring submission to the evidence repository include, but are not limited to:
1. Child forensic interview recordings
 2. Audio/video recordings collected from a scene (not generated by an officer)
 3. Photographs exposed by a suspect
 4. Suspect cell phones, cameras, and other digital media
 5. Audio/video recordings deemed to be evidence by a supervisor
- C. Electronic/audio/photographic media that does not normally require submission to the evidence repository, but must be properly safeguarded and stored are typically generated by an officer during the course of an investigation and documents the officer's actions and observations. Digital media not submitted to the evidence repository will be retained either by a designated supervisor or within the case file/incident report. Examples include, but are not limited to:
1. Crime scene photographs
 2. Victim, witness, and suspect interviews
 3. ECD video
 4. In-Car Video System recordings
 5. Lapel or body type camera recordings
- D. Recorded media requiring submittal to a laboratory will not normally be reviewed by officers prior to forensic processing by a certified individual or laboratory. A working copy of downloaded evidentiary media can be reviewed following the forensic retrieval and analysis; however, the original media will remain in the evidence repository. Recordings and digital media that is submitted to a supervisor for storage may be reviewed by the officer in order to complete reports.



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- E. Audio and video recordings pertaining to use of force, assault on an officer, or officer misconduct incidents should be downloaded to a CD/DVD, properly labeled, and entered into the evidence repository. Recordings documenting use of force incidents, leading to the arrest or detention of a suspect, when determined by a supervisor, or in which a formal or informal complaint has been made, will be retained for a minimum of one year or until no longer required for criminal, civil, or administrative action. Final disposition of evidentiary recordings and media will be conducted in accordance with evidence disposal procedures.
- F. Each agency will assign a supervisor to manage individual databases/storage locations of non-evidentiary recordings. It will be the responsibility of each agency to maintain an adequate database and supplies for each recording device utilized by officers. Supervisors will maintain a log of all recorded media for identification and retrieval. The log will at a minimum document the time and date of the recording, the officer associated with the recorded media, and the final disposition of the recording (e.g. submitted to evidence, released to file, deleted following review). Digital recordings will not be retained on recording devices after they have been downloaded by a supervisor to the database or transferred to CD/DVD for submission as evidence or retention with an investigative report.
- G. Officers will submit lapel or body type cameras to the supervisor for download after each shift. The supervisor will then download the lapel or body type cameras to a database for retention. ECD recordings will be maintained in accordance with LE Handbook Section 1-24. In-Car Video recordings will be maintained in accordance with LE Handbook Section 2-24.
- H. Personnel utilizing a recorder or camera with removable media will contact a supervisor to receive additional media if additional storage space is required. Multiple contacts may be recorded on the same digital media, but care should be made not to record over other previously recorded information until it is properly downloaded and stored.
- I. Personnel utilizing a digital recorder will transfer/preserve the recording onto a CD/DVD or supervisor's database as soon as practical after the contact is over.
- J. When entering a digital recording into evidence, officers will ensure the recording is downloaded to a read only CD/DVD (or other appropriate permanent media) in the appropriate file format.
- K. Audio, video, and photographic evidence will not be manipulated or altered after it is initially recorded.
- L. Supervisors shall retain all recorded media, not requiring submission to the evidence repository, for a minimum of 90-days at which time the media may be disposed of following a review by a supervisor. If any useful evidence is obtained during an authorized use of a recording, the recording will be retained in the same manner as any other evidence gathered during an investigation.



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1-26-11 DOCUMENTATION OF RECORDINGS AND VALIDATION OF INTEGRITY OF RECORDINGS

- A. Supervisors will ensure that all audio and video recordings are properly documented in the respective incident, investigative report, and/or supervisor log. If there is no recording to supplement an interview or contact, the report will include a detailed explanation of the incident and actions taken by both officer(s) and suspect/subject(s).
- B. Documentation of recordings within investigative/incident reports will include at a minimum the time and date of the recording, the responsible officer's name, and whether the recording was submitted into evidence.

1-26-12 RELEASE AND DUPLICATION OF RECORDINGS

- A. Law enforcement recordings are the sole property of the U.S. Government and shall not be duplicated or released for other than official use.
- B. Duplication and release of evidentiary recordings for discovery to defense counsel is authorized upon approval of the Assistant U.S. Attorney, or convening authority.
- C. Information obtained under color of law, whether on or off duty, shall be considered confidential and will not be released to any individual or organization, or posted on any internet site, bulletin board, or any other location, regardless of whether the information is posted anonymously or not. OJS personnel found in violation of this policy are subject to disciplinary action.
- D. Duplication of evidentiary media is prohibited except:
 - 1. Upon approval of the Assistant U.S. Attorney to duplicate evidentiary recordings for discovery by defense counsel.
 - 2. When a working copy of the evidentiary media is made for retention in an active incident/investigation.
 - 3. For release to another law enforcement jurisdiction aiding in the investigation.
 - 4. Upon referral of the investigation to another law enforcement jurisdiction.
 - 5. For release of recordings as public records under Freedom of Information Act requests in accordance with FOIA guidelines.

1-26-13 RECORDING INTERVIEWS AND INTERROGATIONS

- A. Refer to LE Handbook 2-46 for guidelines on recording interviews and interrogations.
- B. Recordings of interviews and interrogations shall be in compliance with U.S. Department of Justice, Office of the Deputy Attorney General, Policy concerning Electronic Recording of Statements effective July 11, 2014.



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2-01 USE OF FORCE

POLICY

Based on the Fourth Amendment's "reasonableness" standard, OJS law enforcement and corrections officers are authorized to use the amount of force that is objectively reasonable in light of the facts and circumstances known to that officer at the time force is used. Officers may use force which is reasonable, necessary, and appropriate to lawfully and properly neutralize an unlawful assault against officers or other persons, to restore order, to overcome resistance by a person being taken into custody, to affect an arrest, to prevent injury to oneself or other persons, prevent destruction of property, and to prevent escape.

RULES AND PROCEDURES

2-01-01 GENERAL INFORMATION

A. Rationale for Use of Force.

1. Officers may be confronted with situations where control must be exercised to affect arrests, overcome physical resistance, neutralize assaults, restore order, prevent injury to oneself or others; prevent destruction of property, and to prevent escape. Control may be achieved through persuasion, verbal warnings, implied or threatened use of force, or by the use of physical force. There are varying degrees of physical force that may be used depending on the dynamics of the situation.
2. Officers must understand that the use of force in law enforcement is not a defensive act but that of offense. It is critical for the officer to be proactive and react to the threat of violence and not the actual violence itself. In force utilization, the officer should to take immediate action to stop or control a subject's action or non-compliance thus employing an offensive tactic to gain control or compliance.

B. Objectively Reasonable Force

1. OJS policies are based on the United States Supreme Court decision in *Garner vs. Tennessee* and shall be consistent with the Supreme Court decision in *Graham vs. Connor* as a guideline for reasonable force.
2. The amount and type of force that would be considered rational and logical to an "objective" officer on the scene, supported by facts and circumstances known to an officer at the time force was used.
3. The "objective reasonableness" standard is the standard that directs all use of force applications by an officer. The standard of objectively reasonable set forth in the Fourth Amendment does not require that officers choose the least intrusive amount of force, only a reasonable one.
4. The "reasonableness" of a particular use of force must be judged from the perspective of "the reasonable officer" on the scene, rather than with the 20/20 vision of hindsight.



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2-01-02 OJS AUTHORIZATION TO USE FORCE

A. Deadly Force.

1. An officer may use deadly force to protect himself or others from what is reasonably believed to be an immediate threat of death or serious physical injury.
2. An officer may use deadly force to effect a capture or prevent an escape if the officer reasonably believes the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe the suspect poses a significant threat of death or serious bodily injury to the officer or others if not immediately apprehended.

B. Other Use of Force

1. The use of force may be used by an officer in a manner which results in the officer choosing the force option, which in the officer's judgment, has the best chance of controlling the situation or reaching the desired legal objective, and immediately employing that option without attempting lesser amount of force.
2. Each situation is unique and officers are responsible for using the amount of force that is necessary, reasonable, and appropriate to reach the intended legal objective.
3. Officers are authorized to use force to restore/maintain order, prevent injury to persons or self, destruction of property, and to prevent escape.

C. Additional Criteria

1. Officers are not authorized to fire warning shots.
2. Officers will not discharge a firearm when it appears likely that an innocent person may be injured.
3. Officers will not discharge a firearm from a moving vehicle.
4. Officers will not fire upon a moving vehicle unless the occupant(s) of the vehicle are using, or attempting to use, deadly force against the officer or others and only to stop the assailant's threat.
5. Officers are authorized to shoot and kill an animal for:
 - a. Self-defense of the officer or another, or
 - b. When the animal is so badly injured that humanity requires its relief from further suffering.
 - c. Except for general maintenance, storage, or authorized training, officers will not draw or exhibit their firearms unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this directive.

D. Excessive Force.

The substantiated use of excessive force in any situation is not authorized, regardless of the provocation or action of the offender, and will result in disciplinary action, termination, and/or criminal prosecution.



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2-01-03 USE OF FORCE ELEMENTS

- A. There are three elements the U.S. Supreme Court has identified as critical in the determination of the “objective reasonableness” of force utilization. This standard asks whether the officer’s actions are objectively reasonable in light of the facts and circumstances confronting the officer and not whether the officer’s subjective intent or motive was evil or good.
- B. These elements are the reasonable officer’s perception of the situation (Officer Perception) and the officer’s perception of the suspect’s actions (Subject Action) which should determine the officer’s selected force response (Officer Response).
- C. It is important to recognize that “reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. Any action by a suspect can lead to a range of reasonable responses based on the totality of the circumstances.

2-01-04 OFFICER PERCEPTIONS

- A. Ability/Capability
The ability-capability of a subject to carry out a threatened action. The subject must have the ability/capability to carry out the action or threat. There does not need to be any verbalization with an action to show ability or capability but the officer must however perceive the person insinuating the action or threat is capable. The mere presence of a weapon does not necessarily constitute intent but can definitely indicate a subject’s ability/capability.
- B. Opportunity
Indicates that the action or threat perceived by the officer is imminent or in the here and now, but not necessarily instantaneous. The subject must be in a position in which he/she can use his/her ability/capability to carry out the act or threat. The officer’s decision that an assailant has the opportunity is based on the officer’s perception of the assailant’s positioning, proximity, and availability.
- C. Intent
This is the mental state initiating an overt act (words or deeds) in the furtherance of a threat or action. Intent is initiating an overt act in furtherance of a crime or threat.

2-01-05 SUBJECT ACTIONS

- A. Compliant-Cooperative
This action represents the vast majority of officer/subject encounters. The likelihood of a physical response by the subject is minimal.
- B. Resistant-Passive
The subject exhibits the preliminary amount of noncompliance which requires some degree of physical contact by the officer in order to obtain compliance. The subject offers no physical or mechanical enhancement towards the resistance effort other than to stand motionless or remain seated.



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C. Resistant-Active

The scope and intensity of the subject's resistance has increased. The subject is exhibiting physical or mechanical defiance to the officer's control. The subject is using physical energy to establish defiance although directed away from the officer.

D. Assaultive-Physical Injury

The officer has the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not result in death or serious physical injury to the officer or others.

E. Assaultive-Serious Physical Injury/Death

This noncompliance is the least encountered but poses the most serious threat to officer safety. The officer's objectively reasonable assessment is that such assaultive actions by the subject could result in death or serious physical injury to the officer or others.

2-01-06 OFFICER RESPONSES

A. Cooperative Control

1. This control includes methods to preserve officer safety and survival, including: officer presence, verbal commands, restraint applications, positioning strategies, etc. It is important to recognize that cooperative controls can be used at any time in addition to other identified tools.
2. Officers will conduct contacts with citizens in a manner that inspires respect and generates cooperation and approval. The manner and form in which an officer speaks to individuals can be an effective means of exerting a low amount of force to control the situation.
3. Verbal force may be in the form of advice, warning, persuasion, commands, or threats of higher amounts of force. Verbal force can be progressive in nature, depending on the circumstances, by changing the type of words or altering the tone or volume of the voice when giving instructions, commands, or direction.
4. Properly used, verbal force may negate the need for officers to resort to other forms of physical control or force.

B. Contact Control

1. When confronted with a subject demonstrating resistant behavior, the officer will use physical tactics to gain control and compliance. These tactics can be psychologically manipulative as well as physical, and can include additional verbal persuasion skills, relative positioning strategies, touch pressure points, and escort positions.
2. The majority of arrests made by officers require only this amount of force. The arrestee will be handcuffed, searched, and transported.



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3. In these situations there is neither resistance, nor the need to use force, other than some form of physical maneuvering, or guidance, as the prisoner is escorted from one location to another.

C. Compliance Techniques

1. When the subject becomes actively resistant, the officer may use physical control tactics. These tactics should be of sufficient force to overcome the active resistance of the subject and the officer should remain vigilant for more aggressive behavior from the subject.
2. When an officer is faced with an individual who refuses to be placed in custody or follow verbal commands or instructions, the officer may use authorized control and compliance techniques and holds which, in the officer's judgment, have the best chance of success. These techniques and holds may include deployment of an authorized intermediate force weapon; use of control holds, pain compliance or pressure point techniques; or other authorized compliance and control tactics.

D. Defensive Tactics

1. Defensive tactics are warranted when the subject attempts or achieves an assault on the officer or another person. The officer is justified in using defensive/offensive tactics designed to stop the subject's non-lethal assault on the officer or others, regain control, and assure continued compliance.
2. Personal Weapons. This use of unarmed force involves the use of personal weapons (i.e. fist, hand, elbow, foot, knee, etc.) The use of personal weapons can be used by officers to defend themselves against assault, or as a method of using physical force to gain control of the situation, when other means of force are inappropriate or ineffective.
3. Baton. Police officers will carry the law enforcement agency authorized baton:
 - a. Uniformed police officers will carry the authorized baton while on duty.
 - b. Officers will use batons only in accordance with current departmental training standards as approved by IPA.
 - c. The use of the baton is restricted to overcoming physical confrontations, or as a means of self-defense, in situations where other forms of force would be, or have been, inappropriate or ineffective.
 - d. Prior to being authorized to carry the baton, officers are required to successfully complete a training course taught by certified instructors. Re-certification in the use of the baton will occur annually.
 - e. When carried, the baton will be secured in a manner consistent with established uniform standards.
 - f. Use of other types of striking devices (i.e. saps, riot sticks, num-chucks, etc.) is strictly prohibited.



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E. Deadly Force

1. When the officer perceives that the subject of such force poses the potential for death or serious physical injury to the officer or to another person, immediate officer response must be used to stop the threat. These tactics could include the use of a firearm, intermediate weapon, or any other available item, including personal weapons. If the use of deadly force is objectively reasonable the implement used is of no consequence.
2. Officers will fire their weapons in a manner intended to stop and incapacitate an assailant from completing a potentially deadly use of force.

2-01-07 MEDICAL ASSISTANCE AND TRANSFER OF CUSTODY

- A. Following any reportable use of force, as soon as reasonably practical, officers will determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS) if necessary.
- B. Prior to transferring custody of a subject that force was used upon; OJS officers shall verbally notify the receiving agency or employee of:
 1. The type of force used,
 2. Any injuries sustained (real or alleged) and,
 3. Any medical aid / EMS rendered.

2-01-08 USE OF FORCE TRAINING

All division Associate Directors, Chiefs of Police, Special Agents in Charge, and Supervisory Correctional Specialists will ensure that all officers are issued this order and are thoroughly trained in its content prior to being authorized to carry a firearm or other intermediate weapon. Each officer will receive annual re-training on the OJS Use of Force policy.

2-01-09 USE OF FORCE REPORTING

- A. A supervisor or investigator will be immediately notified and the supervisor/investigator will ensure that a written incident report is completed and forwarded through the chain of command in the following situations:
 1. When a service firearm is discharged for other than training/qualification or authorized practice purposes.
 2. When an employee takes an action that results in, or is alleged to have resulted in, injury or death of another person.
 3. When a subject complains that an injury has been inflicted.
 4. When an employee applies force through the use of lethal or less-than-lethal weapons.
 5. When a vehicle pursuit or fleeing felon/pursuit roadblock has been initiated.



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- B. Supervisors will insure that all incident reports documenting the use of force are complete, to include the officer's actions, the suspect's actions, any injuries sustained, type of force used, the outcome of the use of force, etc.

- C. Administrative Leave
 - 1. When an officer's use of deadly force causes death or serious bodily injury, the OJS Manager will place the officer on administrative leave pending completion of all criminal investigative requirements.
 - 2. Once the investigation is complete and a determination is made concerning the disposition of the investigation, the Chief of Police, Special Agent in Charge, or Correctional officer in charge or designee will determine when the officer is ready to return to duty in coordination with IAD. The supervisor may require a "fitness for duty" evaluation by a mental health professional to aid him/her in this decision.

- D. The criminal investigative reports of incidents of use of force which resulted in death or serious physical injury to any person as a result of the officer's actions will be forwarded for review to the U.S. Attorney's Office to determine if criminal charges will be filed.

- E. OJS may conduct both an administrative and criminal investigation into the incident.

- F. Administrative review of use of force incidents
 - 1. All reported use of force incidents will be reviewed by Internal Affairs Division to determine whether:
 - a. OJS rules, policy, or operating procedures were violated.
 - b. The relevant policy was clear and effective to cover the situation.
 - c. OJS training is adequate.
 - 2. All findings of policy violations or training deficiencies will be reported to the appropriate unit for resolution and/or discipline.
 - 3. All use of force incident reports will be retained as required by law.
 - 4. There will be a regular review of use of force incidents by the Internal Affairs Division to ascertain training and policy needs.
 - 5. An annual summary report of use of force incidents will be prepared by the Internal Affairs Supervisor and forwarded through the chain-of-command to the OJS Deputy Bureau Director.



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NOTES



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2-02 PRE-ARREST AND ARREST PROCEDURES

POLICY

Law enforcement officers will follow all laws and training guidelines when stopping, frisking, detaining, and arresting individuals suspected of committing crimes.

RULES AND PROCEDURES

2-02-01 GENERAL INFORMATION

A. Guidelines for Contact.

This section establishes guidelines for contact with civilians, victims, suspects, arrestees, and prisoners.

B. Applicability.

This section applies to all inquiries, questioning, stops, detentions, citations, and arrests by members of the Office of Justice Services (OJS), on or off duty.

C. Changes in Requirements.

OJS requires that its officers stay current in changes to applicable case law in their jurisdiction.

2-02-02 INITIAL ENCOUNTERS WITH THE PUBLIC

A. An officer may initiate a contact in any place that the officer has a right to be. An Investigator will identify themselves as law enforcement officers as soon as possible if it is not evident.

1. A contact is not a stop or an arrest. Persons contacted will not be detained against their will or searched, unless the officer develops reasonable suspicion during the contact that the person has committed, is committing, or is about to commit a crime.
2. An officer may not use force or coercion in initiating a contact or in attempting to obtain cooperation once the contact is made. Officers will act in a restrained and courteous manner. Persons refusing to cooperate will be permitted to go. When appropriate, the officer may keep the person under surveillance.
3. When issued, an officer will activate his/her body camera to record the encounter.

B. A stop is a temporary detention of a person for investigation. A stop occurs when an officer uses law enforcement authority either to compel a person to halt, to remain in a certain place, or to perform some act (such as walking to a nearby location where the officer can use a radio or telephone). When citizens reasonably believe that they are not free to leave the officer's presence, a stop has occurred.



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1. If an officer reasonably suspects that a person has committed, is committing, or is about to commit any crime, grounds exist to stop that person.
 2. Proper justification for a stop does not permit unreasonable conduct during the stop. The courts will consider every phase of a stop in determining whether the stop was reasonable and therefore lawful.
 3. A person may be detained at or near the scene of a stop for a reasonable period normally not to exceed 20 minutes. Officers will only detain a person for the length of time necessary to obtain the person's identification, an account of the person's presence or conduct, or otherwise determine if the person should be arrested or released.
- C. Officers observing criminal activity or traffic violations, who are not in a marked unit, will call a marked vehicle to make the stop unless none is available or the time required for the marked unit to respond would be excessive. If waiting would jeopardize an arrest or investigation for a marked unit, the unmarked unit may make the stop.
- D. Officers will act with as much restraint and courtesy as possible towards the person stopped. Officers not in uniform making stops will identify themselves as law enforcement officers as soon as practical. Officers will give an explanation of the reason for the stop.
- E. Officers may direct questions to the detained person for the purpose of obtaining name, address, and an explanation of presence and conduct. The person may not be compelled to answer these questions. Officers may request that the person produce identification, but citizens are not generally required to carry identification. When the person has been operating a vehicle, the officer may demand to view certain documents (such as operator's license and vehicle registration). Refusal to answer questions does not by itself establish probable cause to arrest, but such refusal may be considered along with other facts as an element adding to probable cause. Officers will not search a subject's wallet for identification. The search of a wallet for any evidence may only be conducted incidental to arrest.
- F. Officers will use the least coercive means necessary to affect the stop of a person. The least coercive means may be a verbal request, an order, or the use of physical force. Officers will use only such force as is reasonably necessary.
1. If the officers are attacked, or circumstances exist that create probable cause to arrest, the officers may use the amount of force necessary to defend themselves or to make an arrest.
 2. In any instance where a detained person is injured or complains of an injury associated with an officer's actions, a written report shall be completed.
 3. When a detained person is injured or complains of an injury associated with an officer's actions, medical aid will be summoned or the individual will otherwise be given medical aid.



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2-02-03 FRISKS

- A. Officers may frisk a person during a stop when officers reasonably suspect that the person may be carrying a concealed weapon and that a frisk is necessary to protect themselves or others. The frisk is usually conducted immediately, but may be conducted whenever a reasonable suspicion to believe the suspect is concealing a weapon occurs.
- B. Reasonable suspicion for a valid frisk is more than a vague hunch and less than probable cause. A frisk is justified if a reasonably prudent officer under the circumstances believes the safety of the officer or other persons in the vicinity are jeopardized because a particular person might be carrying a weapon. Officers who conduct a frisk should be prepared to report the specific factors that led them to believe that reasonable suspicion existed.
- C. A frisk is for the purpose of protection only. Officers will not use the frisk to conduct full-scale searches designed to produce contraband or other incriminating evidence. Full-scale searches of persons without their consent, even those conducted with reasonable suspicion, are invalid unless incident to arrest or arrest with a warrant.
- D. If the person is carrying a separate object such as a purse, shopping bag, or briefcase, officers may examine it briefly to determine the presence of a weapon or it may be taken and placed in a secure location out of the person's reach.
- E. The officer will begin the frisk at the part of the person's apparel most likely to contain a weapon or dangerous instrument. Frisks are limited to a pat down of the person's outer clothing unless:
 - 1. The outer clothing is too bulky to allow the officer to determine if a weapon or dangerous instrument is concealed underneath. In this event, outer clothing such as overcoats and jackets may be opened to allow a pat down directly on the inner clothing, or
 - 2. The officer has a reasonable belief, based on reliable information or personal knowledge and observation, that a weapon or dangerous instrument is concealed at a particular location on a person. In this event, the officer may reach directly into that suspected area. This is an unusual procedure, and officers will report the precise factors that led beyond the normal pat down procedure.
- F. When officers feel an object that they reasonably believe is a weapon or that may contain a weapon, they may reach into the area of the persons clothing where the object is located and remove the object. Officers will proceed in one of the following ways:
 - 1. Officers will determine if the person's possession of the weapon is lawful.
 - a. If lawful, the officer may place the object in a secure location out of the person's reach for the duration of the detention.



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- b. Ammunition may be removed from any firearm, and the weapon and ammunition returned in a manner that ensures the officer's safety.
 - c. If the possession is unlawful, the officer may seize the weapon and arrest the person.
2. If the officers have a reasonable belief that it contains such an item, they may look inside of the object and briefly examine the contents.
- G. Officers will return the object and continue the frisk or detention if no weapon or item that can be seized is found.
- H. If officers feel an object that they do not reasonably believe to be a weapon but do believe it to be an item that can be seized, they may not take further steps to examine the object without either the consent of the person or a search warrant.
- I. If the person frisked or detained is not arrested by the officer, any objects taken pursuant to these frisk procedures are returned upon completion of the frisk or detention.

2-02-04 FIELD INTERVIEWS

- A. Officers may conduct a field interview when the behavior of an individual creates reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur. A field interview is not made merely on the basis of random selection, ethnicity, unusual appearance, or personal beliefs. A greeting, an offer of or a request for assistance, or a casual conversation is not a field interview.
- B. The purpose of a field interview is to assist in the investigation and prevention of a crime.
- C. A field interview is conducted with the utmost courtesy. Officers will answer reasonable questions posed by a citizen.
- D. Officers not in uniform will fully identify themselves as officers and exhibit their badges or credentials prior to initiating any field interview.
- E. All officers, whether in uniform or civilian dress, will furnish a citizen with their badge number upon request.
- F. Officers will record a field contact in their LE Officer Notebook when they determine that it may assist in the prevention or investigation of a crime. Details recorded on the LE Officer Notebook shall be entered into IMARS as a new Field Interview.
- G. After any interview in which citizens have been required to identify themselves and justify their actions or whereabouts, the officer will explain the reason for the stop if asked to do so.



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2-02-05 WITNESSES NEAR THE SCENE OF A CRIME

Officers who have probable cause to believe that any felony or a misdemeanor has been committed will attempt to interview witnesses and obtain as much information as possible about the crime.

1. If the witness is reluctant, or refuses to give information, officers will attempt to obtain identification information so that investigators can contact the witness at a later time.
2. Officers will not use any force to obtain this identification, and if the witness refuses to cooperate and desires to leave, he/she will be allowed to do so within a reasonable time.

2-02-06 MAKING PHYSICAL ARREST/EXECUTING ARREST WARRANT

When an officer decides to make a physical arrest, the arrest will be affected as quickly as possible, based on officer safety and training. The suspect will be secured by handcuffs and other appropriate restraints when necessary and placed in a safe environment. The arrestee will not be left unattended by a police officer/special agent. The arrestee will not be allowed to return to his/her dwelling or vehicle unless handcuffed and in the immediate company of an officer. See section 2-04 for additional restraint and transportation guidelines.

2-02-07 ARRESTS WITHOUT A WARRANT

An officer may, without a warrant, arrest a person if the officer has probable cause to believe:

1. A felony has been committed and probable cause exists to believe the person to be arrested has committed a felony.
2. A misdemeanor has been committed in the officer's presence and probable cause exists to believe the person to be arrested has committed the offense.
3. The person to be arrested has been involved in a traffic accident and violated any criminal section of the applicable tribal, state, or federal law.
4. An arrest cannot be made for a misdemeanor or a petty offense that has been committed outside the officer's presence unless otherwise provided for by law.
5. Felony arrest may be made by an officer of a non-Indian individual but the suspect cannot be placed in a BIA or Tribal detention facility.

2-02-08 MISDEMEANOR ARREST AND RELEASE PROCEDURES

A. A misdemeanant will be field released except when a physical arrest is mandated by statute or OJS procedures, or:

1. When the misdemeanant is under the age of 18 and comes under the jurisdiction of the appropriate juvenile court (excluding routine traffic violations or alcohol offenses).



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2. When the release could jeopardize the safety and welfare of the suspect or any other person or when the suspect has already been cited and refuses to leave or continues to commit the violation.
 3. An identification or physical arrest would be more appropriate (see below).
- B. The officer may use the identification arrest and release when there are offenses that may call for identification for the record.
- C. Officers should consider making a physical arrest for a misdemeanor offense in the following situations:
1. The suspect cannot be satisfactorily identified.
 2. The suspect refuses to sign a promise to appear or by overt action or statement gives the officer probable cause to believe that the person will not appear in court.
 3. The suspect committed the misdemeanor in the officer's presence and a filed release would be inappropriate.
 4. There is information indicating that similar offenses are pending on the subject.
 5. A supervisor directs the physical arrest of the suspect.
- D. Officers should be aware of jurisdiction involving Indian and non-Indian subjects.

2-02-10 ARRESTS INVOLVING MILITARY PERSONNEL

- A. If an active duty member of any of the armed forces of the United States is arrested for a crime other than a minor civil infraction or minor traffic offense, officers will:
1. Telephone appropriate military law enforcement personnel, and advise them that an active duty military member has been arrested.
 2. Provide the military law enforcement personnel with the following information:
 - a. Name, rank, date of birth of the arrested person.
 - b. The offense(s) with which the person was charged.
 - c. The OJS incident number.
 3. Officers will also advise the law enforcement personnel that a copy of the report will be available. Officers will not discuss any previous arrests associated with the arrested military member.
- B. Title 10, U.S. Code, Section 808 (Article 8) provides: "Any civil officer having authority to apprehend offenders under the laws of the United States or of a state, territory, Commonwealth, or possession, or the District of Columbia, may summarily apprehend a deserter from the armed forces".

When an officer comes into contact with an individual who is listed in NCIC as a deserter, the officer will request that dispatch confirm the warrant with the military law enforcement agency initiating the NCIC entry. If the warrant is confirmed, the officer will contact military personnel to pick up the subject. If the warrant cannot be confirmed, the officer will release the subject after obtaining identification information.



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2-02-11 FELONY SUSPECT IN JAIL OR DETENTION CHARGED WITH A MISDEMEANOR VIOLATION

- A. When investigators discover that a subject in jail or a detention facility charged with a misdemeanor violation is wanted for a felony violation, they will immediately prepare the applicable report or supplement covering the facts and elements of the felony and place a federal hold on the subject.
- B. The officers will present the case to the appropriate jurisdiction for further action.
- C. Contact will be made with the jurisdiction issuing the warrant to arrange for extradition and hold documentation.

2-02-12 CONTACTS OR ARRESTS INVOLVING ILLEGAL ALIENS

- A. Law enforcement officers will not contact or stop a person merely on suspicion of being in the United States illegally. Under federal law, this authority is reserved for agents of the Immigration and Customs Enforcement (ICE). Officers follow the Initial Encounters with the Public Procedure provided in this section when contacting or stopping any person. If, after a person is contacted or stopped, the officer reasonably suspects that person to be an illegal alien, the officer may:
 - 1. Detain the subject and request an ICE agent to respond. The subject may be detained for a reasonable time while waiting for ICE to respond.
 - 2. If ICE does not respond within a reasonable time, the officer will release the detainee and make a report.
- B. If the subject is arrested for a felony, or a misdemeanor that normally requires a physical arrest as outlined in the Misdemeanor Arrest and Release Procedure in this section, the subject may be booked with an ICE hold in a contract detention facility. The officer will notify the ICE by phone of the arrest.
- C. Officers will deal with the subject for the reasons that caused the initial contact prior to taking any action related to the person's alien status. If a custodial arrest is not appropriate for the circumstances of the incident, officers will take necessary enforcement action, i.e., issue a summons or citation, etc., complete an incident report and release the subject. The appropriate report, will be forwarded to the ICE for further action.



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2-02-13 ARRESTS WITH A WARRANT

- A. Warrants must have a complete physical description, including origin, sex, height, weight, hair color, eye color, and date of birth, (age alone is insufficient) before the warrant may be entered into the computer. Additional descriptions (social security number, etc.) are acceptable, but all the previously listed information is necessary.
- B. All warrants and stolen vehicle information must be confirmed with the originating agency prior to arrest.
 - 1. Officers will refrain from serving a warrant if there is conflicting information or uncertainty as to the warrant's validity. Documentation will be sent to the follow-up investigators concerning the contact.
 - 2. The officer, with knowledge that a warrant exists, has reasonable grounds to detain a subject pending receipt of confirmation. This level of knowledge is below that of probable cause.
- C. Under normal circumstances, officers attempting to serve warrants should make contact with the subject prior to initiating confirmation proceedings. "Confirmation of the warrant's validity prior to service" does not mean "prior to contact". Confirmation of the warrant's validity is made prior to affecting the physical arrest of the subject named on the warrant. This does not preclude an officer from taking those precautions that are necessary to protect him/her or another, while awaiting confirmation of the warrant.
- D. Warrants may be confirmed by telephone or dispatch. State warrants must be processed through tribal court.
- E. Officers may arrest a subject for whom a warrant has been issued, on that warrant, under the following circumstances:
 - 1. Anytime, in a public place,
 - 2. At the subject's private residence:
 - a. If the officer has been invited inside, or
 - b. If the subject has come outside of the residence
 - 3. If the officer is invited into a third-party's residence or is inside pursuant to a legitimate purpose.

2-02-14 WARRANTS

- A. The assigned officer will secure the following items when no previous warrant exists:
 - 1. Complaint, which alleges the felony offense and names the suspect as the offender by presenting all available information and facts to a United States Attorney. This also applies to juveniles.
 - 2. Felony Warrant, which is usually prepared in the office of the United States Attorney and then signed by a federal magistrate. This also applies to juveniles.



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- B. When the officer prepares the complaint, he/she will take it to the U.S. Attorney for review and signature.
- C. The officer will take the warrant for registration.
- D. The officer will prepare an arrest/operations plan which provides for a minimum of two officers to serve the warrant.
- E. When officers have arrested a suspect, after the warrant has been registered, the felony warrant will be held in the warrant file with the notation that the suspect is in jail or a detention facility and where.
- F. When the subject of a felony warrant is arrested, that person will be booked at a place designated by the United States Attorney or United States Marshal.
- G. Persons arrested as a result of federal warrants issued by the Federal Magistrate:
 - 1. Verify the warrant through the United States Marshal's Office.
 - 2. Comply with the procedures of the applicable U.S. Attorney's Office.
- H. Officers contacting citizens for the sole purpose of serving a misdemeanor federal warrant(s) will do so under the following restricted circumstances only if:
 - 1. The citizen is observed in a public place, or
 - 2. The citizen is in a residence or other private place between the hours of 0800 and 2200 on non-holidays.
 - 3. Exceptions to these restrictions must be approved by the appropriate federal court or under exigent circumstances by the on-duty supervisor.

2-02-15 APPREHENSION OF NATIVE AMERICANS WANTED BY NON-FEDERAL AGENCIES WITH SUPPORTING WARRANTS

- A. Officers will not apprehend Native Americans for non-Federal agencies except when the following conditions have been met:
 - 1. The authority is approved by the tribal court.
 - 2. The OJS has written or telephonic authority which specifically states:
 - a. Name of fugitive.
 - b. Date of birth or age, and physical description.
 - c. That the charge is a serious offense in this jurisdiction.
 - d. Warrant number.
 - e. That the issuing authority will extradite in compliance with the Tribe's extradition ordinance.
 - f. Bond amount.
 - g. Name of the person who signed the warrant.
- B. An arrest in a non-Federal jurisdiction will not be made until the authority is reviewed and approved by a supervisor.



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- C. A computer hit from NCIC is sufficient for an arrest on probable cause.
 - 1. Prior to booking, the arresting officer will obtain written or telephonic confirmation that the warrant is outstanding.
 - 2. The hard copy printout of the hit will be sent to the agency for follow-up investigation.
 - 3. The officer will comply with current NCIC regulations regarding time.
- D. If the fugitive has committed a serious offense prosecutable in the apprehending jurisdiction, the fugitive will be arrested for that offense in addition to the fugitive charge.
- E. Whenever a fugitive is arrested, copies of all paperwork concerning the fugitives arrest will be directed to the tribal court, which will coordinate the extradition process.

2-02-16 FEDERAL CHARGES

- A. If a subject is in custody solely for outstanding federal charges, he or she will be transported directly to the nearest approved Federal Detention Center.
- B. The officer is required to complete a report, with the subject indicated as the “suspect”. Arrest information is required.

2-02-17 CIVIL ARREST WARRANTS

- A. The Federal Rules of Civil Procedure (Rule 64) allow the courts to issue a civil arrest warrant. There is no statutory violation required by the rule, nor is there a charge associated with the warrant or subsequent arrest. The warrant is not for a felony, misdemeanor, or petty offense. It is a “Civil Arrest Warrant” issued under Rule 64.
- B. If the subject is arrested for both criminal and civil matters, the criminal procedure takes precedence.
- C. All civil arrest warrants will be confirmed with the originating agency. Special attention will be given to any time restrictions that affect when the warrant may be served.
- D. The arresting officer will verify the warrant, paying particular attention to the time restrictions during which the warrant may be served. All civil arrest warrants have restrictions as to the time of day that they may be served.
 - 1. If contact with the subject occurs at a time of day or on a day of the week that court has ordered that the warrant not be served, the officer will advise the subject of the existence of the warrant but will not arrest the person. In these incidents, no documentation is required.



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2. If the contact with the subject occurs during a time authorized by the court for service of the warrant and the warrant is confirmed, the arresting officer will place the subject under arrest and transport the subject to an approved federal detention facility.
3. All reports relative to the arrest will refer to the charge as “Civil Rule 64”.

2-02-18 ADVISEMENT OF RIGHTS

- A. The Fifth Amendment includes the right against self-incrimination. Case law covering Miranda warnings has established guidelines to help officers decide when warnings must be administered. Miranda applies only to custodial interrogation.
 1. If a reasonable person in the suspect’s position believes that he/she is not free to leave, then Miranda applies.
 2. The officer’s view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the suspect is what counts.
- B. In determining whether a suspect is free to leave the police officer’s presence, a court looks at the circumstances of the interrogation.
 1. If police questioning is conducted in a police car or at the police station, the environment may be construed to be a coercive one, and the interview is custodial.
 2. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and Miranda warnings must be administered before the officer asks questions about the offense.
- C. Miranda warnings must be given when:
 1. The suspect reasonably believes that he/she is in custody, and
 2. The suspect is interrogated.



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- D. To achieve uniformity in administering Miranda warnings, police officers will advise suspects, verbatim:

CUSTODIAL INTERVIEW WARNING (MIRANDA)

YOUR RIGHTS

Before we ask any questions or you make any statements, you must understand your rights.

You have the right to remain silent and refuse to answer any questions at any time.

Anything you say can and will be used against you in court of law or other proceedings.

You have the right to talk to a lawyer for advice before answering any questions and to have a lawyer with you during any questioning now or in the future.

If you cannot afford a lawyer, one will be provided for you without cost.

If you decide to answer questions now, you have the right to stop answering questions at any time you desire.

Interviewee response:

I have read this statement or have had my rights read to me and I understand what my rights are. I am willing to make a statement and answer questions. I understand and know what I am doing. No promises or threats have been made against me and no pressure or coercion of any kind has been used against me.

Interviewee will sign form at end of this section.

- E. After the rights have been read and understood, and if the person wishes to waive them, the officer will have the suspect sign the waiver of rights form (2-02-A). Officers must stop questioning whenever the suspect invokes the right to silence.
1. After the suspect has been charged, officers may not try to elicit incriminating evidence unless the suspect waives the right to counsel.
 2. If the suspect has been charged and has requested counsel, officers will not try to obtain a waiver unless the suspect initiates conversation with the officers.
- F. Officers will take care when advising juveniles of their rights to ensure that the rights are understood before securing a waiver. Officers will honor the child's request to speak to a parent or guardian before waiving his or her rights. Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained.



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G. Miranda warnings do not apply to the following routine situations:

1. Brief on-scene questioning,
2. Identification procedures such as fingerprinting, conducting a line-up, sobriety tests,
3. Volunteered, spontaneous statements (However, once the officer has heard the suspect express spontaneous incriminating statements, the officer then must advise the suspect of Miranda rights and obtain a waiver before undertaking additional questions),
4. Brief investigative detention,
5. Roadside questioning during routine traffic stops,
6. Routine booking questions attendant to arrest,
7. Questioning by private persons.

H. When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving Miranda warnings until the officers have received information sufficient to dispel the emergency.

I. There are no firm guidelines governing when fresh warnings must be given. In considering whether previously administered Miranda rights have become legally stale, investigators must consider:

1. The length of time between first warnings and later interrogations,
2. Whether warnings and later interrogation were given in the first place,
3. Whether warnings and later interrogations were by the same or different officers,
4. The extent to which the later statement differed from a previous one,
5. The apparent intellectual and emotional state of the suspect.

K. OJS Officers shall be familiar with the Indian Civil Rights Act which is located in the Appendix of this Handbook.



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2-03 SEARCHES

POLICY

OJS law enforcement officers are authorized to make lawful searches and seizures in accordance with applicable Federal, State, or Tribal law.

RULES AND PROCEDURES

2-03-01 GENERAL INFORMATION

A. Criteria for Conducting Searches.

A search of a premise, property, or person may be conducted by officers when one of the following conditions exists:

1. A search warrant has been issued by a court with jurisdiction, or
2. A judge with jurisdiction has been contacted by telephone and has authorized a search to be executed, or
3. The search is conducted incident to arrest, or
4. The owner of the property, premise, or vehicle to be searched gives lawful consent, or
5. The search is limited to a frisk and pat down for weapons, where the officer has articulable reasons to fear for his/her safety.
6. Search of a vehicle under exigent circumstances.
7. At the scene of a crime.
8. Exigent circumstances, as where the public is endangered.
9. Inventory searches of seized vehicles or other property.

B. Officer Compliance with Search Procedures.

In each instance the officers executing a search will do so in a manner prescribed by this procedure and within the scope authorized by Federal, State or Tribal law.

C. Documentation of Search.

Each search will be properly documented in accordance with this directive.

D. Control of Seized Property.

All property seized in any type of search will be properly marked, cataloged and submitted to the appropriate Evidence Control Room.

E. Field Searches of Prisoners.

Officers will use a search method in which they have received training.



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2-03-02 SEARCH WARRANTS

- A. A search warrant is the written authorization by a court of jurisdiction for any officer of the jurisdiction to enter the property or premises of any individual for the purpose of conducting a search and seizing evidence to be used in a criminal prosecution.
- B. Officers will apply for a search warrant when there is probable cause to believe that a search will disclose:
1. Stolen, embezzled, or contraband property,
 2. Property which has been used, or is intended for use, or is being used to commit a criminal offense, or
 3. Property constituting evidence of a criminal offense.
- C. An affidavit for a search warrant presented to the judge will contain the following:
1. The name or a full description of the person or place to be searched,
 2. The items or articles intended to be seized,
 3. The factual reason or reasons believed to justify the search, and
 4. The signature, placed under oath, of the person making application for the search warrant.
- D. Pursuant to the law or code, upon receiving an affidavit for a search warrant, the judge may question the person making the affidavit. If satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the judge will issue the warrant that contains the following:
1. The name or full description of the person or place to be searched,
 2. The items or articles to be seized,
 3. The reason or reasons for its issuance,
 4. The date of its issuance, and
 5. The signature of the judge.
- E. A search warrant issued by a judge must be served and executed by an officer.
- F. Unless otherwise authorized by the judge signing the warrant, and noted on the warrant, the warrant will be served and executed between 6:00 a.m. and 10:00 p.m.
- G. The search warrant will be served and executed within ten days of its issuance. Failure to serve and execute the warrant within this period invalidates the warrant. If this situation occurs, or is foreseen, officers may:
1. Notify the judge and make written application for an extension of the ten day limit, or
 2. Resubmit the search warrant to the issuing judge after attaching an addendum to the affidavit with information detailing reasons for the delay and establishing probable cause for the search.



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- H. Once the search warrant is executed, the officer will promptly deliver to the issuing judge a complete list of the items or articles seized. This list will be prepared in the presence of the person from whom such property was taken, or another witness, and will be signed by such person or witness, as well as by the law enforcement officer.

2-03-03 TELEPHONIC SEARCH WARRANTS

- A. In accordance with law or code, officers may be permitted to contact a judge by telephone to receive authorization to conduct a search and seizure when exigent circumstances exist.
- B. Prior to contacting a judge for a telephonic search warrant, officers will consult with an Assistant U.S. Attorney or other appropriate prosecutor and receive authorization for the warrant.
- C. Circumstances where officers and supervisors may want to apply for search authorization by telephone include, but are not limited to the following, when probable cause exists that:
1. A suspect in a serious violent crime will flee the jurisdiction if not located and immediately apprehended.
 2. Evidence in a felony crime will be destroyed if not immediately located and seized.
 3. Evidence in a felony crime will deteriorate and be destroyed; or become un-testable; or, substantially change in its nature or makeup because of passage of time, exposure to elements, or exposure to other chemicals or substances.
- D. Officers conducting a telephonic search and seizure will prepare an affidavit for search as described in the Search Warrant Procedure of this directive and provide it to the judge or the judge's designee within twenty-four hours of the execution of the telephonic warrant.

2-03-04 WARRANTLESS SEARCHES

- A. In accordance with federal law or code, no officer may search or seize any property without a warrant unless:
1. He/she has reasonable cause to believe that the person in possession of such property is then and there engaged in the commission of an offense, or
 2. The search is incident to a lawful arrest and for the protection of the arresting officer, or is incident to such an arrest and for the purpose of seizing evidence of the commission of the offense for which the defendant is arrested.
 3. The search is of a stopped vehicle where the officer has reason to believe evidence of criminal activity exists and would be lost, should the vehicle be allowed to leave (exigent circumstance).
 4. At the scene of a crime where evidence may deteriorate and be destroyed; or become un-testable; or, substantially change in its nature or makeup because of passage of time, exposure to elements, or exposure to other chemicals or substances (exigent circumstance).



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5. The officer has reasonable cause to believe evidence would be destroyed by the person in possession of the evidence (exigent circumstance).
 6. The search is an inventory search of a seized vehicle or other property.
 7. When verbal or written consent has been obtained.
- B. Officers will consult with a supervisor, before searching any person, premise, or property in all other situations not governed by this directive, when they believe they are legally authorized to execute a search without a warrant.
- C. Officers conducting a search and seizure without a warrant will document the events circumstances, and their justification for conducting the search and seizure in an offense or supplemental report. All items seized during a search without a warrant will be properly marked, cataloged, and submitted to the Evidence Control Room.

2-03-05 SEARCH INCIDENT TO ARREST

- A. A search incident to an arrest must follow the arrest.
- B. A police officer conducting a search incident to an arrest is permitted to use whatever degree of force is reasonable and necessary.
- C. A police officer making a search incident to an arrest may search only the following places:
1. The entirety of the person being arrested, and
 2. The areas in the immediate control of the person being arrested into which he/she could reach for a weapon or for evidence; the purpose of this search must be to:
 - a. Protect the officer;
 - b. Prevent escape; or
 - c. Prevent the destruction of evidence.
 3. Accessories carried by the suspect may be searched incident to a full custodial arrest, if they are within the area in which the defendant might reach to grab a weapon or an item of evidence.
- D. During a search incident to an arrest, a police officer may seize the following things:
1. Anything in the permissible area that is evidence of the offense for which the officer has probable cause to make the arrest.
 2. Anything in the permissible area that is evidence of any other offense.
 3. Anything else which is outside of the permissible area that is evidence of the offense for which the officer makes the arrest or of any other offense if:
 - a. The evidence is in plain view of the spot where the officer makes the arrest, and
 - b. The officer's discovery of the evidence is inadvertent, that is, the officer neither knows the location of the evidence nor intends to seize it before he/she goes to make an arrest.



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2-03-06 TACTICAL OPERATIONS-PLANNING

- A. The Case Agent shall supervise, coordinate, and assign team leaders for multiple teams, depending on the number of targets designated in the operation. The Case Agent, Undercover Agent, Surveillance Agent, and Team Leaders will participate in the operation planning process.
- B. The planning process will consider provisions for identifying objectives and details of the operation and target location, pre-surveillance, personnel assignments, equipment, high risk entries, use of force, emergency communications, obtaining assistance from other agencies, perimeter security, and logistical relief.
- C. The Case Agent will submit a written Overall Operations Plan to the Supervisory Special Agent for approval. When necessary, *Operations Plan Form(s)* will be included in the Overall Operations Plan.
- D. When necessary, the team leader(s) will submit a completed *Operations Plan Form* for the specific target location assigned to the Case Agent.

2-03-07 SEARCH WARRANT OPERATIONS

In coordination with the tactical operation, the Case Agent will supervise, coordinate, and assign team members to conduct the searching, photographing, diagramming, logging and seizing of evidence at the target site.

2-03-08 OPERATION SAFEGUARDS

- A. The team leaders will include in the completed *Operations Plan Form*, a contingency plan for immediate emergency situations such as, officer/man down, rescue procedures, hostage situations, and confrontation with the criminal element.
- B. All participating personnel will be armed with an authorized duty firearm during all tactical operations.
- C. All CI/DDE Special Agents and BIA-OJS task force personnel will wear a protective armored vest and a jacket with the word "POLICE" clearly printed on the front, back and on the arms. All assisting agency personnel will wear a protective armored vest and a police jacket, which visibly and specifically identifies them as a law enforcement officer.
- D. All team leaders will utilize a *Tactical Arrest and Search Warrant Risk Analysis Checklist* form to evaluate the potential risk to participating personnel. The presence of 8 or more "Yes" check marks identifies a high-risk warrant operation and a Tactical Response Team should be considered.
- E. Any personnel who did not attend the specific target operation briefing, or who arrived late and missed the critical elements of the operation briefing, will not be allowed to participate in the operation.



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2-03-09 TACTICAL OPERATION GUIDELINES

- A. Prior to conducting any tactical operation, the Case Agent will conduct an overall briefing pertaining to the circumstances of the overall case or cases with all personnel involved with the operation.
- B. The team leaders will conduct a sub-briefing pertaining to the individual targets or locations to all personnel assigned under the respective team leader.
- C. The team leaders will conduct an inspection of all participating personnel's clothing, and equipment and conduct a review of their assignments.
- D. At the conclusion of the operation, all involved personnel will attend a post operation debriefing.



2-04 RESTRAINT AND TRANSPORTATION OF PRISONERS

POLICY

It is the policy of the Office of Justice Services to place primary importance on officer safety while transporting prisoners and during the transfer of prisoners in custody.

RULES AND PROCEDURES

2-04-01 SEARCHES PRIOR TO TRANSPORTING PRISONERS

- A. The transporting officer will always search a prisoner before placing him/her into the vehicle.
 - 1. Officers should never assume that a prisoner does not possess a weapon or contraband or that someone else searched the prisoner.
 - 2. The transporting officer will conduct a search of a prisoner each time a prisoner enters his/her custody.
- B. All vehicles used to transport prisoners will be searched at the beginning of each shift and again before each prisoner transport to ensure that no weapons or contraband is available to the prisoner. After delivering the prisoner to his/her destination, the officer will again search the vehicle to ensure that the prisoner did not hide contraband or other evidence and document the search on the Daily Activity Log (Form 2-07-A).

2-04-02 HANDCUFFING AND OTHER RESTRAINTS

- A. Prisoners will be handcuffed with their hands behind their back and with their palms facing outward. Handcuffs will be double locked.
- B. Officers may handcuff prisoners with their hands in front only under extraordinary circumstances such as an obvious pregnancy, a physical handicap, injury, etc. This alternative should rarely be utilized.

Prisoners being transported long distances may be restrained with special restraint devices designed specifically for long distance transportation in order to provide the prisoner with a reasonable amount of comfort. In no case will a prisoner be transported unrestrained.

- C. Prisoners shall not be handcuffed to any part of the vehicle.
- D. Additional approved restraints, e.g. shackles, waist belts, may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that they pose a threat to themselves, the officer, or the public. Shackles may be used when only one officer is available for transporting a prisoner to jail. Shackles will be double-locked.



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- E. Prisoners shall not be “hog tied” (handcuffed, with legs restrained and pulled up behind prisoner) or placed in a position where they are forced to lay face down while handcuffed during transport.

2-04-03 TRANSPORTATION

- A. Prisoners are prohibited from communicating with civilians, including attorneys, during transportation.
- B. When a transported prisoner is considered dangerous or a security hazard and must be transported to court or another facility, officers will notify the judge/facility supervisor prior to transportation to minimize any chance of escape or injury to the prisoner or anyone else.
- C. Officers should not transport prisoners of the opposite sex (i.e. one or more male prisoner(s) with one or more female prisoner(s)) at the same time. If possible, two officers should be assigned to perform these duties when necessary.
- D. Prior to beginning the transport of a juvenile or subject of the opposite sex, the officer shall notify the communications operator of the time of departure and beginning mileage of the transport vehicle. Upon completing the transport, the officer shall notify the communications operator of the time of arrival and ending mileage.
- E. If a prisoner is transported in a vehicle with a prisoner barrier, he/she shall be seated in the right rear passenger seat, properly handcuffed and secured with a seat belt. When more than one prisoner is transported in a vehicle with a prisoner barrier, all prisoners will be properly handcuffed and secured with a seatbelt. At no time will a prisoner be transported in the front passenger seat of the vehicle.
- F. If one prisoner is transported in a vehicle without a prisoner barrier, the prisoner should be seated in the right rear passenger seat properly restrained and secured with a seatbelt. If two officers are available, the prisoner is seated in the rear passenger seat behind the front passenger seat. The second officer will be seated in the rear passenger seat behind the driver. Regardless of the position in the vehicle the prisoner is placed in, the prisoner will be handcuffed behind his/her back and his/her seat belt will be fastened. Sick, injured, physically disabled, or extremely intoxicated prisoners that cannot be properly restrained with a seat belt will be transported by ambulance.
- G. One transport officer should not attempt to transport more than one prisoner in a vehicle without a prisoner barrier.
- H. Vehicles used primarily for the transportation of prisoners will have the driver separated from the prisoner by a prisoner barrier.



- I. All vehicles used in transporting prisoners will have the child door lock feature activated or a similar device that prevents the door from being opened from inside the rear seat compartment. In older vehicles, removal of the rear door handle and window cranks may be necessary.
- J. Officers shall not stop the transport of a prisoner to respond to other law enforcement needs, such as calls for service, motor vehicle violations, etc. unless exigent circumstances, such as requiring lifesaving measures, exist. The care and safe transport of the prisoner is the transporting officer's primary responsibility. When other responding officer(s) arrive, they shall assume responsibility for managing the exigent circumstance.
- K. In the event a prisoner escapes while being transported, the transporting officer will use the following procedures:
 1. Notify and request assistance immediately from the jurisdiction the officer is in at the time of the escape.
 2. Offer his/her services to recapture the escapee as soon as possible.
 3. Submit a written report to the command supervisor as soon as he/she returns to the law enforcement facility explaining the circumstances of the escape.
- L. When a prisoner escapes during transport, a Serious Incident Report will be completed by the supervisor and next level notification will be made through the chain of command to the Deputy Bureau Director.
- M. Sick, injured, or extremely intoxicated prisoners shall be provided medical treatment as soon as possible. The officer will contact a supervisor immediately and advise him/her of the arrestee's condition. If the supervisor determines the arrestee needs medical screening before booking, the officer will transport the arrestee to an approved health care facility. Based on the condition of the arrestee, an ambulance may need to be summoned to the scene for transport. Once the arrestee's medical condition has been addressed and properly treated by medical personal, the officer shall transport the arrestee to the detention facility for booking.
- N. Questions regarding the health status of a prisoner presented to a detention facility during the booking process may require consultation by the law enforcement supervisor, the detention facility supervisor, and health care providers for proper resolution.
- O. If a prisoner is being transported to a health care facility, he/she shall be restrained at all times. If restraints must be removed for treatment, the prisoner will be closely monitored by the officer. This will prevent an escape or injury to the health care providers or officer.
 1. Such restraints may include handcuffs and leg irons.
 2. At no time will the prisoner be left unattended while at the health care facility.



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3. The officer shall notify the health care facility personnel of any issues related to the prisoner's escape potential, suicidal tendencies, or any other security concerns.
- P. Wheelchairs, crutches, and other prisoner property shall be transported in the trunk or other secured compartment of the vehicle, not in possession of the prisoner. Removal of prosthetic devices should be considered carefully, since medical issues could arise if the device is removed.
- Q. Transportation of prisoners for special situations such as funerals, visiting critically ill persons, etc. will normally not be permitted.
- R. Officers will secure firearms in the detention facility's designated gun lock box.
- S. Officers will remove restraining devices when directed by the receiving detention facility's staff, or when the prisoner is properly controlled and secure.
- T. Officers will submit the proper paperwork (jail committal, booking forms, property forms, etc.) to the proper person at the receiving detention facility and, when necessary, the officer will ensure that proper signatures are obtained on paperwork to be returned to the agency.
- U. The transporting officer will notify receiving agency personnel of any potential medical or security risks posed by the prisoner.
- V. When an officer transports a prisoner to a medical facility and the prisoner is admitted by the attending physician, the officer will immediately notify his/her supervisor.

2-04-04 DOCUMENTATION

- A. When picking up a prisoner for transport at a detention facility the transporting officer should ensure that he/she has the correct person.
- B. The officer accomplishes this by:
 1. Officer's personal knowledge of the prisoner.
 2. Requesting verification by the jail custodian of the prisoner's identity.
- C. Documentation that should accompany the prisoner being transported should include, if available, but not be limited to:
 1. Arrest records
 2. Court documents
 3. Medical records
 4. Prisoner's escape or suicide potential
 5. Any personal traits that may pose a security risk
 6. A court/transport order authorizing transport



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2-04-05 IMMEDIATE SUPERVISOR

- A. Shall monitor all arrests and prisoner transport situations.
- B. Shall ensure compliance with the above procedures.
- C. Shall investigate any incidents, e.g. prisoner escapes or abuse, and report the findings to the OJS Manager, as appropriate.

2-04-06 DISPATCHERS

- A. Shall record the time of departure, time of arrival, departure mileage and arrival mileage as reported by the transporting officer.
- B. Shall relay requested information to the supervisor or other location as directed by the transporting officer.



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2-05 EVIDENCE COLLECTION AND PRESERVATION

POLICY

OJS policy is to provide for the orderly collection, receipt, storage, and disposition of evidence in a manner consistent with nationally accepted standards.

RULES AND PROCEDURES

2-05-01 GENERAL

- A. This directive provides guidelines for collecting and preserving evidence found at the most common types of crimes scenes.
 1. Officers assigned the task of processing a crime scene will seek guidance on collection and preservation when dealing with unusual evidence or evidence not previously encountered.
 2. This guidance may be sought from experienced investigators, and federal, state, or local evidence technicians from the crime laboratory that will analyze the evidence.
 3. When an officer lacks the training to collect the necessary evidence at a crime scene, a more experienced officer or an evidence technician from another law enforcement agency should be contacted to collect the evidence. Agreements with other agencies may be appropriate based on the level of training of the agency's officers.
- B. Officers will maintain the chain of custody on all evidence collected from a crime scene by limiting the number of persons handling the evidence from the point of collection to the point of securing the evidence in the agency evidence temporary storage lockers. If the evidence is too large for the storage locker, the officer will call the ECT.
- C. Officers will ensure the evidence collection and preservation process is thoroughly documented in the appropriate case file report.
- D. All evidence collected from any crime scene will be placed in the agency's evidence storage lockers by the end of the collecting officer's shift, unless supervisory approval is given to keep the evidence longer. Evidence retained beyond the end of the officer's shift will be documented.
- E. Each Chief of Police will identify the crime lab(s) used by the agency and how they may be contacted. This information will be posted with communications personnel and in the Evidence Control Room.
- F. The COP will designate the agency Evidence Control Technician and alternate and post their names and contact information on the evidence room door.



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2-05-02 LATENT FINGERPRINTS

When appropriate, officers will attempt to locate and lift latent fingerprints from areas or items found within a crime scene that officers are responsible for processing.

1. Officers will dust for latent fingerprints using approved fingerprint dusting powder, brushes, and lifting tape.
2. The officer who lifts the print will sign, date, and place the incident number on the back of the card. The officer will also write on the back of the card a brief description, of where the print was found.
3. The fingerprint card will be placed in an envelope and sealed. The outside of the envelope will be labeled with the evidence item number, the date the fingerprint was located, the incident number, and the officer's name, initials and badge number.

2-05-03 FIREARMS RELATED PROCESSING

- A. Officers will ensure any firearms seized for evidence processing are handled carefully and only to the degree needed to make the firearm safe.
- B. Bullets and/or cartridges seized from crime scenes will be placed individually in small containers. Each bullet or cartridge should be protected from movement against surfaces that could mar the markings on the bullet or cartridge.

Seizing officers will label the containers with information described in step B of the Latent Fingerprints procedure.

- C. Officers will take precautions to protect from contamination any item, piece of clothing, human body, or hands of a suspect or victim that are suspected of having been struck by a bullet, or fired a firearm, so examinations and tests can be performed.

The hands of a suspect and/or victim should be protected with paper bags until the tests for trace evidence, can be performed.

2-05-04 EVIDENCE CONTAINERS

Containers used to protect evidence may be plastic or paper bags, airtight cans, envelopes, boxes, pill size plastic bottles, etc. Factors to consider when deciding which type to use are:

1. Does the item of evidence need to be protected from air?
Examples: evidence suspected of containing a liquid accelerant.
2. What is the size of the item?
3. What type of tests will be performed on the item? Some plastic bags may give off fumes that will potentially contaminate the evidence and give false positives. Plastic bags may also obliterate latent fingerprints on some types of metal items.



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4. Does the item need to be air dried and protected from mold or mildew?
Example: any item, or clothing, that is wet, i.e., bloody, should be dried and placed in a paper bag or cardboard box. Wet items that will be tested for presence of accelerant should be placed in airtight containers - i.e., clean, unused paint cans.
5. Is the item going to be stored in the ECR or shipped to a crime laboratory? Items that will be shipped or transported some distance need to be protected from jostling, dropping, etc.

2-05-06 TIRE PRINTS/FOOTPRINTS

- A. Officers will evaluate the need to preserve tire or foot prints before beginning other crime scene processing tasks based on their location and current weather conditions. If tire or footprints are outside in inclement weather, officers will take steps to protect the prints from the elements and process as soon as possible.
- B. Officers will photograph the tire or foot prints prior to preserving the prints in plastic or plaster casts.

Officers will photograph the subject print with the camera at a ninety- degree angle to the print. A tape measure, ruler, or measurement device will be placed alongside the print.

- C. Once the footprint or tire print has been photographed officers will attempt to preserve and lift the print using a plastic or plaster cast.
 1. The casting material will be applied using the manufacturer recommended process. The material will be marked, while still moist, with the casting officer's initials, the date, and the case number.
 2. Once the cast is dry and has been lifted, it is packaged in an appropriate container for its size and weight. The container is labeled with the information described in 2-05-02, Latent Fingerprint procedure.

2-05-07 TRACE EVIDENCE

- A. Trace evidence usually refers to the types of materials or substances that are transmitted or transferred from human bodies, clothing, shoes, carpeting, furniture, foods, etc., when they come in contact with other items, such as, clothing, shoes, carpeting, furniture, foods, human bodies, etc. A partial list of this type of evidence is:

- | | | | |
|---------|-----------|----------|-------------------------------|
| 1. Skin | 3. Fibers | 5. Semen | 7. Fingerprints |
| 2. Hair | 4. Blood | 6. Soil | 8. Grass, leaves, twigs, etc. |

- B. The importance of this type of evidence is that it may identify a specific individual and connect that individual to a crime scene, body, sexual assault victim, etc.



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- C. Officers will collect items that may contain any type of trace evidence in such a way as to preserve and protect the trace evidence from becoming contaminated, lost, or destroyed. Some types of trace evidence, i.e., blood, semen, etc. may deteriorate with time. Therefore, officers will ensure these types of trace evidence will be packaged and transported, or shipped to the appropriate crime laboratory, as soon as possible.

2-05-08 DRUGS, MONIES, VEHICLES SIEZED IN ACCORDANCE WITH THE ENFORCEMENT OF TITLE 21, DRUG ABUSE PREVENTION AND CONTROL

- A. Upon collection or receipt of evidence, the time of each processing procedure will be noted.
- B. Each processing procedure will be conducted in the presence of a witness, no exceptions.
- C. Photographs will be taken to depict the evidence in its originate state.
- D. If the evidence is a controlled dangerous drug, weigh the substance in the presence of a witness and document the results.
- E. If the evidence is currency or other valuables, count the currency or valuable items in the presence of a witness and document the amount.
- F. If the evidence is a controlled dangerous drug, field test the substance in the presence of a witness and document the results. A photo of the field drug test should be taken when possible.
- G. Label, date, and initial all evidence collected.
- H. Place the evidence in an evidence bag or box, assure the bag or box is sealed with tamperproof evidence tape. Write the date and your initials over the evidence tape in various locations. Attach the appropriate completed evidence tag.
- I. Take photographs of both sides of the sealed evidence bag or box, depicting its label and sealed condition.
- J. All controlled dangerous drug evidence shall be submitted to the appropriate crime laboratory for chemical analysis.
- K. If the evidence is a substantial size drug seizure, it will be necessary to obtain a sample from the seizure for the purpose of field-testing and submission to the crime laboratory. The sample will be handled in the previous described procedures.
- L. Latex gloves will be worn at all times when handling controlled dangerous substance evidence.
- M. All audio and video, cassette tapes or compact discs are evidence and should be treated as such.



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2-05-09 CHAIN OF CUSTODY

The evidence chain of custody will be documented on the *Receipt for Evidence or Property*, including transfer of evidence to other agencies and submission to the crime laboratory.

2-05-10 EVIDENCE/PROPERTY CUSTODY FORM

The *Evidence/Property Custody Form* will be used upon collection or seizure of all evidence including during the service of search warrants. The form is designed to provide copies for the owner of the property, the court system, and the case file. The original will be kept with the evidence/property.



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2-07 REPORTS, ACTIVITY LOGS, & SERIOUS INCIDENT REPORTING

POLICY

OJS policy is to take written reports on all crimes and specified incidents brought to their attention. Reports will be completed in a thorough manner and reviewed by a supervisor. When warranted, cases may be assigned for further investigation by officers or ~~C~~ special agents. All serious incidents meeting criteria set forth in this directive will be brought to the attention of the Deputy Bureau Director, Office of Justice Services.

RULES AND PROCEDURES

2-07-01 GENERAL INFORMATION

- A. Report of All Crimes and Specified Non-Criminal Events.
All criminal events, and certain non-criminal events, brought to the attention of officers or employees will be documented in a properly formatted report.
- B. Reporting Process.
Incident reports will be completed in a thorough and timely manner and submitted to the appropriate supervisor for review and approval.
- C. Supervisory Direction to Complete Reports.
Supervisors are authorized to direct an officer or employee to complete a report on any incident or event outside of standard procedure if, in the supervisor's judgment, the circumstances of the incident or event require documentation.
- D. All incident reports will be entered into the Incident Management Analysis and Reporting System (IMARS) for retention.

2-07-02 DAILY/MONTHLY FIELD ACTIVITY LOG (DFAL)

- A. Recording activity of each individual officer provides statistical data useful in measuring calls for service loads by type of calls, frequency of calls, location of calls and time of calls. This data provides information that can be valuable in determining manpower allocation, performance evaluation, patrol tactics, shift alignment, and other similar measurements of patrol effectiveness and efficiency.
- B. Officers/agents will maintain an accurate log of their activity for each shift worked. The data will be recorded on the *Daily/Monthly Field Activity Log (2-07-A)*. This log will be completed by the officer's end of watch and submitted to the appropriate supervisor.
- C. The bottom portion of the above form may be used to capture monthly activity by the agency for reporting purposes.



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- D. Officers/agents will record activity with a brief description of the activity, the location of the activity, the time the activity began, ended, and the offense report or summons number, if applicable. The activity “time” includes completion of any paperwork directly associated with the call or officer initiated activity. If the activity involves stopping a vehicle or pedestrian, officers will record the vehicle license number and/or person’s name and date of birth (DOB) on the log.
- E. Officers/agents will tally the numbers for each type of activity and record the totals in the appropriate areas of the field activity log, i.e. calls from citizens for service or activity initiated by an officer.
- F. Supervisors will review all daily logs by the end of their shift and summarize them for monthly and annual statistics.
- G. Development of Daily Field Activity Log (DFAL).
- H. OJS Central Office will provide a standardized DFAL form. Categories may include, but are not limited to:
 - 1. Radio Calls. Each time the officer is assigned an activity initiated by a dispatcher the call will be recorded on the log as a “call for service” or “radio call”.
 - 2. Officer Initiated Activity. Each time an officer takes any public safety or law enforcement action arising from the officer’s observations, or stemming from a citizen report directly to the officer, the activity will be recorded as “officer initiated” activity.
 - 3. Area Checks. Officers will record the location and nature of the patrol, i.e. foot patrol, bicycle patrol, etc., when doing a directed or preventive patrol in a specific area.
 - 4. Crime Prevention. Officers will record information describing crime prevention activities including, but not limited to:
 - a. Attending Neighborhood Watch meetings.
 - b. School presentations, including DARE, GREAT, law related education (LRE) instruction, etc.
 - c. Home survey or Operation activities.
 - 5. Training. Officers will record the type, nature, and duration of training received during regularly assigned shift time.
 - 6. Administrative Activity. Officer’s will record time spent on administrative tasks, including meeting with a supervisor, receiving an evaluation, completing activity log, etc.

2-07-03 GENERAL REPORT FORMAT

- A. Incident reports are assigned a number according to a system established by OJS Central Office.
- B. All reports will list the title of the offense and statute, code, or ordinance number, if applicable, or the type of incident.



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- C. Report forms will be thoroughly completed. All mandatory information will be obtained by the officer or employee taking the report and recorded in the appropriate spaces on the form.
- D. In each case, narrative portions of the report will be completed in a manner that provides answers to the basic questions of Who? What? When? Where? How? Why?
- E. Officers and employees completing the narrative portion of a report will avoid using police code or police jargon when describing events or actions of officers.
- F. Unless otherwise authorized by a supervisor, reports will be completed and submitted prior to the officer or employee's end of watch.
- G. Officers completing any type of report, summons, or citation are responsible for proof reading and correcting any mistakes prior to submitting the report for approval.

2-07-04 MANDATORY REPORTS

- A. An incident report will be completed whenever an officer investigates any type of crime, with the exception of traffic offenses not involving alcohol or drugs.
 - 1. The narrative on the back of the summons or citation will serve as the officer's report in traffic offenses not involving accidents, alcohol, or drugs.
 - 2. The OJS will identify the forms that are to be used to document alcohol or drug related traffic offenses in compliance with mandated reporting requirements.
- B. A report will be completed using the below listed incident descriptions as the title of the report in each situation that an officer is involved, or dispatched to as part of the officer's duty assignment, including but not limited to:
 - 1. Domestic dispute (non-criminal).
 - 2. Civil dispute.
 - 3. Suspicious Incident (when complainant or witness can provide a description of suspicious vehicle or person).
 - 4. Lost or Damaged BIA equipment or vehicle.
 - 5. Wild land Fire (natural causes).
 - 6. Structure Fire (natural causes).
 - 7. Vehicle Fire (natural causes).
- C. An incident report will be completed whenever an officer discharges any issued weapon (firearm, ECD, Etc.) either intentionally or unintentionally (accidental). A supervisor should be contacted immediately when any discharge occurs, on or off duty other than for agency authorized training, practice, or qualification.



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- D. To ensure accurate reporting of calls for service, the OJS will designate the form on which calls for service are recorded for entry into the ONLINE system.
- E. An incident report will be completed whenever an officer is involved in the use of force. The report will include but not be limited to the officer's actions, the suspect's actions, any injuries sustained, type of force used, the outcome of the use of force, etc. Supervisors will ensure the report is complete.
- F. An incident report will be completed whenever an officer is involved in a vehicle pursuit. The report will include but not be limited to the reason for the pursuit, the officer's actions, the vehicle driver's actions, any resulting vehicle damage, any injuries sustained, the result of the pursuit, etc. Supervisors will ensure the report is complete.

2-07-05 SUPPLEMENTAL REPORTS

Officers will complete a supplemental report in situations that include, but are not limited to, the following:

1. An officer conducts a follow-up investigation to an existing offense or incident report.
2. Participation in any meaningful way in the events that occur during a duty assignment, regardless of the source of the assignment.
3. Participation in any type of crime scene processing related to the original offense or incident report.
4. As a means to report any information that may be useful in reaching closure on the original offense or incident report.

2-07-06 REPORT REVIEW, APPROVAL AND ASSIGNMENT

- A. The Chief of Police or Special Agent in Charge will become familiar with and comply with the local U.S. Attorney's Guidelines regarding investigations that may be handled by another investigative agency.
- B. Designated supervisors will screen all police reports and determine, consistent with BIA law enforcement policies and procedures, whether the case requires further investigation. Criteria used in this determination may include, but are not limited to:
 1. The seriousness of the offense,
 2. The potential risk to the community if the investigation is discontinued,
 3. The existence of further leads, or the potential for developing further leads,
 4. If a suspect is known, or there is a high probability a suspect can be identified, i.e., good physical description, license plate is known, or other identifying information exists,
 5. The existence of eyewitnesses, accomplices, associates, or family of the suspect(s),



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6. There is physical evidence which needs to be processed, examined, analyzed and/or evaluated, and
 7. The availability of investigative resources.
- C. The reviewing supervisor will approve, or disapprove the report. Criteria may include, but are not limited to:
1. Properly listed offense or incident titles with corresponding statute, code, or ordinance citation number(s), when applicable,
 2. All involved persons are properly indexed on face sheet,
 3. Property or evidence is listed, properly numbered, accurately described, and circumstances of loss or seizure thoroughly documented,
 4. Circumstances and details of crime, event, or incident are documented in a thorough and understandable manner. In a criminal offense report, the elements that establish probable cause that a crime was committed are described in the report.
 5. When applicable, the report contains information and descriptions of suspects, suspect vehicles, type of weapons, etc.
 6. When information is available, the completed report answers questions of who, what, when, where, how, and why.
- D. Disapproved reports will be returned to the appropriate officer or employee along with information describing why the report was disapproved and a deadline for making the necessary changes or modifications.
1. Once the changes are made, the report will be returned to the supervisor who initially disapproved it.
 2. To ensure there are no unnecessary time delays in assigning serious cases, as in situations where the disapproved report meets the criteria for assignment listed in this procedure, the supervisor may immediately assign or forward the case for assignment, before modifications are completed.
- E. The supervisor will use the established criteria to determine which cases will be assigned and who will investigate them.
- F. Cases meeting the criteria for assignment to an investigator will be forwarded to the appropriate supervisor. The supervisor responsible for the investigative function will assign the case to the appropriate investigator based on any, or all, of the following factors:
1. The investigator's geographical area of responsibility,
 2. The investigator's field of expertise, or type of training, experience or knowledge, and
 3. The investigator's current caseload or projected availability.
- G. Reports assigned to investigators and officers will be recorded, or logged, and tracked by the appropriate supervisor.



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2-07-07 REPORTING OF SERIOUS INCIDENTS

A. Purpose.

These procedures and responsibilities are provided to ensure the Deputy Bureau Director, Office of Justice Services (OJS) is promptly apprised of all serious incidents, unusual events and emergency conditions, which may result in inquiries to the Bureau of Indian Affairs (BIA), cause intensive public interest, or have potential residual effects on OJS or the BIA.

Agency supervisors are responsible for ensuring serious incidents are reported through the chain of command.

B. Written reports completed as follow-ups to the electronic notifications are transmitted using the following format:

1. Subject: (Nature and classification of the incident).
2. Time and Date: (When the incident occurred).
3. Location: (Address and/or geographical description of where the incident occurred).
4. Summary: (Brief description of the incident).
5. Names and Titles: (Victims, witnesses, suspects or other persons involved, if deemed significant to the report).
6. Status of Case and Agencies Notified: (e.g. FBI, State or county police, etc.)
7. Agency contact: (Name and telephone number of individual to be contacted for additional information).

C. Notification, Chain of Command.

The field official in charge of the serious incident, event or condition will ensure that the designated reporting office and the Deputy Bureau Director, OJS are properly notified

1. The Deputy Bureau Director, OJS will notify the Director, or designee, Managing Risk and Public Safety (MRPS) in the Department of the Interior (DOI).
2. The Director, MRPS, may determine further notifications based on the seriousness of the incident or event.

D. Minimum Reporting Requirements.

These notification procedures constitute minimum reporting requirements. The Chief of Police or the Special Agent in Charge may identify additional notification requirements to their specific needs.

2-07-08 SERIOUS INCIDENT TYPE – MANDATORY REPORTING

All incidents of the type and nature described below, which occur in Indian country, will be immediately reported to the Deputy Bureau Director, OJS, or designee by the field official in charge of the incident in the most expeditious manner available;



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1. Serious crimes against persons that have the potential to become high profile cases.
2. Major, or unusual, drug seizures or drug related arrests in which the value, amount or circumstances of the seizure has the potential to attract significant media or political attention.
3. Serious incidents, accidents, or major events involving; state, federal, or foreign political government officials or their families.
4. Actual, attempted, or planned terrorist activity, sabotage, or other hostile acts.
5. Significant law enforcement events that require, or may require, the dispatch of specially trained teams to augment normal law enforcement capabilities.
6. Major natural or man caused disasters - excluding wildfires - which cause, or have the potential to cause, significant loss of life, injuries, or property damage.
7. The death of, or life threatening injury to, any law enforcement officer incurred during the performance of duty.
8. The discharge of a firearm by an officer toward another individual, or the use of a weapon by another individual against an officer or employee.
9. Any use of force by an officer that result in serious injury or death to another individual.
10. All deaths including homicides, traffic related, unattended, unknown, or suicides.
11. Any lost or stolen government owned firearm.

Note: Lost or stolen firearms reports must be forwarded from the Deputy Bureau Director, Office of Justice Services to the Department of the Interior, Watch Office for appropriate staffing.

2-07-10 NOTIFICATION - BUSINESS HOURS

- A. All incidents of the type or nature described above are to be immediately reported in the most expeditious manner available to the designated reporting offices within twenty-four hours.

Each Chief of Police or LEO Supervisor will maintain and keep current a list containing work days, hours, and telephone numbers for the following persons as well as any other officials to be notified:

- a. On-duty supervisor,
- b. Special Agent in Charge.

- B. If there are questions as to whether an incident or event should be reported, contact the Associate Director for Operations, OJS.

2-07-11 NOTIFICATION - NON-BUSINESS HOURS

- A. Reporting significant events after normal business hours is accomplished by contacting, in order of rank, the following personnel:

1. The on-duty supervisor, if not already apprised,
2. The Special Agent in Charge,



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3. The Associate Director or Designee, OJS within 24 hours.

B. The Associate Director, OJS will provide all law enforcement administrators with the names, telephone numbers, and pager numbers of the persons in the above positions.

2-07-12 WRITTEN REPORTS

A. Notifications of appropriate officials will be followed by written reports.

B. Reports will be written in the format specified under 2-07 Reports, subsection "Reporting Serious Incidents".

C. Written reports will be faxed within twenty-four hours of the date and time the initial verbal report was made.

2-07-13 ON CALL DUTY AGENT DESIGNATION

A. The OJS Chief of Police, Special Agent in Charge, or designee will maintain and keep current a schedule for on-call duty agents. On-call duty agents will remain available and capable of responding to emergency calls during their designated on-call period.

B. This duty assignment will be rotated to provide twenty-four hour coverage during non-business hours.

C. The on-call duty agent will take the emergency pager/cell phone with him/her at all times.

2-07-14 REPORTING EMERGENCIES BEYOND OJS

The Deputy Bureau Director, OJS, will determine when and how the Director, Office of Managing Risk and Public Safety (MRPS) will be advised.



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2-09 APPEARANCE IN COURT

POLICY

Officers appearing in court as required by law, in uniform or civilian attire, will professionally represent the OJS in appearance and conduct.

RULES AND PROCEDURES

2-09-01 GENERAL INFORMATION

- A. Officers must be familiar with local judicial procedures for court appearances. Attendance at a court or quasi-judicial hearing as required is an official duty assignment.
- B. Permission to be excused from this official duty must be obtained from the prosecuting attorney, other competent court official or hearing officer handling the case. Officers will notify their supervisor as soon as possible. Officers who fail to go to court and fail to notify their supervisor are subject to disciplinary action.
- C. When appearing in court, officers will present a neat and clean appearance by wearing the official uniform or a coat and tie depending on assignment. Officers will avoid any mannerisms that might imply disrespect to the court.
- D. When an officer is requested to make an appearance before a judicial or quasi-judicial proceeding and has no testimony to give, he/she will immediately consult with the appropriate prosecutor, other competent court official, or hearing officer, to determine if he/she will be needed to testify.
- E. Officers shall sign for and accept all subpoenas legally served.

2-09-02 COURT APPEARANCES

- A. An off-duty officer subpoenaed in a criminal case by a prosecuting attorney will comply with the order.
- B. The officer will immediately report the subpoena to the Chief of Police or Supervisory Special Agent via memorandum through the chain of command.
- C. The Chief of Police or Special Agent in Charge or designee will attempt to resolve the issue with the appropriate prosecuting attorney, and subsequently will notify the officer's supervisor of the event.
- D. Any overtime slips submitted for court duty pay must include the case number, the name of the attorney, the specific court, the name of the defendant, and the signature of the supervisor. Failure to document this information will result in overtime not being paid.



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2-10 ALARM RESPONSE

POLICY

OJS officers will respond to residential, business, and bank alarms consistent with officer safety and the safety of the public.

RULES AND PROCEDURES

2-10-01 PERSON-ACTIVATED ALARMS

- A. When a person-activated alarm signal is received, two units, if available, will be dispatched (one closest to the scene and a backup) immediately to the alarm location. Other available units will proceed to the area in their respective district closest to the location, and stand by, maintaining radio silence, unless another emergency exists.
- B. If units are dispatched to a bank alarm a considerable distance away, the siren and emergency lights can be used, but the siren should be turned off within hearing distance from the location of the alarm.
- C. The dispatcher will immediately initiate and maintain telephone contact with the business or home until the responding officer advises the dispatcher that the alarm was false.
 1. Dispatchers will telephone businesses only during working hours.
 2. If the telephone call goes unanswered, responding units will be advised.
- D. If a robbery or burglary has taken place and dispatch has the victim or the person reporting the incident on the telephone, they will obtain any available information about the suspect's description, mode of transportation and direction of travel, and advise the business or home to keep everyone out except law enforcement personnel.
 1. Officers will proceed with caution in the event the suspects are nearby.
 2. If suspects are no longer in the area, officers will secure the crime scene and all physical evidence and summon appropriate personnel.

2-10-02 BANK ALARMS

- A. Before arrival, responding units, by supervisor assignment or prearranged agreement, will know which unit will cover the front and which will cover the rear.
- B. Units should attempt to position themselves at opposite corners of the building, and not in front of entrances or windows, if possible. Suspects leaving the building should not be able to readily see police vehicles.



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- C. The dispatcher in phone contact with the bank will instruct a bank official to walk outside, approach the officer who hails the official, and provide the officer with proper identification.
- D. If no bank officer approaches in a reasonable time, and the dispatcher has telephone contact with the bank, then officers should consider the alarm to be a robbery in progress. In this event, maintain a safe position, advise the dispatcher, and always maintain radio contact.
- E. If the officer determines that the alarm is false:
 - 1. One officer will enter the bank, and the backup officer will stand by, maintaining radio contact with dispatch.
 - 2. The officer entering the bank must be satisfied that no robbery is taking place. Officers will not rely solely on the teller or bank official saying that the alarm was false.

2-10-03 DETECTION ACTIVATED BUSINESS ALARMS

- A. The responding officer will examine all possible entry and exit areas.
- B. If the business is closed, the responding officer will request that dispatch contact the owner or other person on the call list immediately and request that they contact the officer as directed.
- C. Officers will conduct a complete, thorough search of the premises.
 - 1. If an open door or window is found, officers will determine if there are signs of forced entry.
 - 2. Officers will enter and search the building, with or without the owner or other person on the call list, based on their judgment of whether a forced entry has taken place and whether there is a reasonable probability that the suspect(s) is still inside the building.

2-10-04 DETECTION ACTIVATED RESIDENTIAL ALARMS

- A. Officers will try to contact the owner or person left in charge of the residence before entering.
- B. Officers will check for suspicious persons or vehicles.
- C. Officers will examine the premises and entry points for evidence of forced entry.
- D. Officers will enter the premises, accompanied by the homeowner, in situations where the officer reasonably believes the suspect(s) has left the premises.



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2-10-05 FALSE ALARMS

- A. If responding officers determine the situation to be a false alarm, they will advise the dispatcher by telephone or radio.
- B. The Chief of Police or designee will confer with businesses having repeated false alarms in order to curb the problem.

2-10-06 REPORTING RESPONSE TO AN ALARM

An IMARS incident report will be completed for each alarm response.



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2-12 COMMUNICABLE DISEASES

POLICY

OJS policy is to minimize exposure by officers to any material or person that might transmit a communicable disease.

RULES AND PROCEDURES

2-12-01 GENERAL INFORMATION

- A. Each agency will have available the Center for Disease Control (CDC) guidelines regarding the clean-up of body fluid spills and OSHA's requirements for the clean-up of blood-borne pathogens (29 CFR, Part 1910.1030, Occupational Exposure to Blood Borne Pathogens, Final Rule, December 6, 1991).
- B. Officers need to assume that all persons with whom they come in contact may have a communicable disease and that any item of evidence or property has the potential to come in contact with body fluids through which disease can be transmitted. When there is a reasonable likelihood of exposure to blood or bodily fluids, or items that have been exposed to them, officers will use appropriate personal protective equipment.
- C. Each agency will identify where it stores protective gear including latex gloves, goggles, and CPR mask with one-way valve and how it disposes of bio-hazardous waste. Each agency will identify how employees are to clean all non-disposable personal protective gear, including any clothing that is exposed. This information will be posted in a conspicuous place where prisoners or evidence may be processed.
 1. Supervisors are responsible for maintaining an inventory of supplies.
 2. The Chief of Police or Supervisory LEO is responsible for defining how any of the following supplies are issued and replaced:
 - a. Disposable coveralls,
 - b. Protective, disposable gloves,
 - c. Plastic bags and sealing ties, or sealable plastic bags,
 - d. Spray bottles,
 - e. Liquid or aerosol germicidal cleanser,
 - f. Disposable hand wipes (70% isopropyl alcohol),
 - g. Absorbent Chux,
 - h. Other absorbent materials, such as sponges, mop head, etc.
 - i. Signs "Isolation Area--Do Not Enter".
 3. Officers who use any of the listed supplies that are stored in law enforcement vehicles are responsible for replacing them.



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D. The agency must provide for inoculations and annual testing for infectious diseases, such as tuberculosis and Hepatitis B that employees can contract/transmit through their job duties. Each agency will provide testing for employees who may have been exposed to the AIDS virus through their job duties.

E. Safety Principles

1. Avoid needle stick and other sharp instrument injuries,
2. Wear gloves when contact with blood or body fluids is likely,
3. Use disposable shoe coverings if considerable blood contamination is encountered,
4. Keep all cuts and open wounds covered with clean bandages,
5. Avoid smoking, eating, drinking, nail biting, and all hand-to-mouth, hand-to-nose, and hand-to-eye actions while working in areas contaminated with blood or body fluids,
6. Wash hands thoroughly with soap and water after removing gloves and after any contact with blood or body fluids,
7. Clean up any spills of blood or body fluids thoroughly and promptly, using a 1:10 household bleach dilutions, and
8. Place all possibly contaminated clothing and other items in clearly identified impervious plastic bags. For additional information regarding the packaging of evidence that may be contaminated, consult with the appropriate crime lab.

F. Consultation with Physician

Officers should be aware that certain prescribed medications, such as steroids and asthma medication suppress the immune system and may make them more susceptible to infectious disease. Officers should consult with their private physician if they are taking prescription drugs. Officers who are pregnant should advise their physician of any contact with body fluids.

2-12-02 CLEAN-UP OF BODY FLUID SPILLS

- A. The Chief of Police or Special Agent in Charge will ensure that all staff is trained in the prevention of communicable diseases including AIDS and in the clean-up of body fluid spills.
- B. The Chief of Police or designee will include the placement of containers of a 10% bleach solution in all first aid kits kept in the facility or in agency vehicles. First aid kits will be readily and easily accessible to staff.
- C. Using disposable gloves, the staff member will clean the spill and the area in which the spill occurred with a 10% bleach solution.



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- D. The staff member will ensure that any item or surface involved in the body fluid spill is either disposed of or cleaned in an approved Clorox solution, separate from all other soiled items or materials. If disposed of, the staff member will place the item in a disposable bag designated for the disposal of bio-hazardous waste, tag it "BIO-HAZARDOUS", and place it in the location where this waste is stored until it can be removed.

2-12-03 HUMAN BITES

- A. The risk of infection through human bites is extremely low.

Blood to blood contact in the bite is the way in which infection is most likely to occur. It is usually the person that does the biting who comes into contact with the blood of the victim. The blood of the subject cannot infect the victim unless he/she has blood in his/her mouth that then comes in contact with the victim's blood.

- B. If bitten, officers will:

1. Encourage "back bleeding" by applying pressure and "milking the wound" as with a snake bite,
2. Wash the area thoroughly with soap and hot water, and
3. Seek medical attention as soon as possible.

- C. Officers may elect to have HIV testing.

2-12-04 SEARCHES

- A. Officers will take care to avoid being cut or punctured by sharp objects while searching suspects, motor vehicles, cells, or rooms, and while handling evidence.
- B. Whenever possible, officers will use long-handled mirrors to search hidden areas.
- C. If it is necessary to search manually, officers will wear protective gloves and feel very slowly and carefully.
- D. Officers will wear face shields or protective eyeglasses and masks if there is the potential for spattering of blood or body fluids.
- E. Officers will keep pencils, fingers and other objects out of their mouths.

2-12-05 BODY REMOVAL

Officers who may need to touch or remove a body will use standard infection control procedures:

1. Wear gloves.
2. Cover all abrasions and cuts to create a "self-help" barrier against infection.
3. Carefully wash all exposed areas after any contact with blood or body fluids.



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2-12-06 CUSTODY ACTIVITIES

- A. Officers will treat persons of high-risk groups with caution. Where violence or an altercation is likely, officers will wear protective disposable gloves.
- B. After the completion of the task or search, when officers have used protective disposable gloves, they will remove them with caution, place them in a plastic bag, which is securely sealed. Upon returning to the station, officers will place the sealed bags in a designated "Contaminated Item Receptacle".
- C. Whenever it is necessary to transport a subject who has blood or bodily fluids present on his person or clothing, officers will notify a supervisor. Officers will summon an ambulance when it is necessary to transport to a health care facility.
- D. Officers will transport subjects with blood or bodily fluids present on their persons separately from other subjects when possible. Officers will inform communications when a subject should be transported alone. Communications personnel will notify the responding car, ambulance or detoxification van when solo transportation is required.
- E. Officers have an obligation to inform other support personnel (firefighters, paramedics, tribal police departments, detoxification personnel, etc.) whenever change or transfer of custody occurs and the subject has blood or bodily fluids present on his person, or if the subject has made a voluntary statement that he/she has a contagious disease.
- F. Officers will indicate on the appropriate arrest forms when a subject who has been taken into custody, makes a voluntary statement that he/she has an infectious disease; officers will include verbatim narratives when presenting offense reports. Additionally, officers will make a notation when a subject has blood or bodily fluids present on his person or clothing (i.e., "Body Fluids Present").

2-12-08 PROPERTY CONTAMINATION

- A. When officer's OJS issued or personal property is contaminated by blood or bodily fluids in the line of duty, officers will place the items in a sealed plastic bag for disinfection. An officer will verbally inform the Chief of Police or Supervisory LEO when possible infectious disease-contaminated items are transferred to their custody.
- B. If the Chief of Police or Supervisory LEO determines that effective disinfection activities are not practical, officers will leave the property with personnel for disposal and direct a letter through the chain of command for replacement. The correspondence will include:
 - 1. The circumstances by which the property became contaminated,
 - 2. The name of the officer who confirmed that disinfecting activities were not practical, and
 - 3. Whether any person was charged with destruction of public or private property, due to the circumstances by which it became contaminated.



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- C. Coveralls are available when uniforms become contaminated and officers require a change of clothing. Officers are responsible for the prompt return of the issued coveralls.

2-12-09 MAINTENANCE OF VEHICLES (BODY FLUID SPILLS)

- A. Officers will initiate disinfection procedures when a law enforcement vehicle requires maintenance after blood or other bodily fluid discharges.
- B. Officers will notify a supervisor, and request that the vehicle be taken or towed for cleansing as soon as possible.
- C. Service personnel will carry out disinfection actions (when appropriate).
- D. Recommended disinfection activities are:

1. Identify vehicles in which a biohazard may exist.
2. Wear protective disposable gloves during all phases of disinfection.
Note: Officers and maintenance personnel should be aware that rings, jewelry, or long finger nails may compromise the structural integrity of the gloves. They should make certain the gloves are not torn before they attempt to begin any phase of the maintenance process.
3. Any excess blood or bodily fluids should first be wiped up with a disposable absorbent Chux or other approved absorbent materials. Afterwards, the absorbent materials should be immediately placed in a plastic bag and placed in the container designated for bio- hazardous items.
4. A broad-spectrum activity virucidal-germicidal solution will be prepared precisely according to the prescribed standards.
5. The affected area will be cleansed with the virucidal-germicidal solution and allowed to air dry for ten minutes.
6. All disposable contaminated cleaning items will be placed in plastic bags that are then placed in the storage container designated for bio hazardous items.
7. Maintenance personnel and officers will be careful not to contaminate themselves during this cleaning regimen or when taking off their disposable protective gloves.
8. All law enforcement vehicles taken for washing and lubrication will be routinely cleaned in the interior with the approved virucidal-germicidal solution.
9. After cleaning the law enforcement vehicle, the "Bio-hazard" sign is placed in the designated receptacle.

2-12-10 LINE OF DUTY EXPOSURE TO INFECTIOUS DISEASE OR CONTAMINATED MATERIALS

- A. Officers will document any situation in which they have cause to believe they have had high-risk exposure during line of duty activity. Examples of high risk are:
 1. The handling of bloody or wet items, where scratches, cuts, or open sores are noticed in the area of contact.



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2. Direct contact with bodily fluids from a subject on an area where there is an open sore or cut.
 3. Direct mouth-to-mouth resuscitation (CPR).
 4. The receiving of a cut or puncture wound as a result of searching or arresting a subject.
 5. Other high-risk exposure.
- B. Officers will contact a supervisor and complete an accident report detailing the extent of exposure.
- C. In addition, the supervisor will complete the following forms:
1. Employee work injury report,
 2. Clinic pass for admittance to health care facility,
 3. Sick and injured report.
 4. CA-1.
- D. Immediately after exposure, the officer will be transported to the appropriate health care facility for clinical and serological testing for evidence of infection.
1. OJS will ensure continued testing of the officer for evidence of infection is available and provides psychological counseling as determined necessary by health care official.
 2. Unless disclosure to an appropriate OJS official is authorized by the officer or by federal law, the officer's test results will remain confidential.
- E. Any person responsible for potentially exposing the officer to a communicable disease is encouraged to undergo testing to determine if the person has a communicable disease.
1. The person will be provided a copy of the test results and guaranteed its confidentiality.
 2. Criminal charges may be sought against any person who intentionally acts to expose an officer to a communicable disease.
- F. Officers who test positive for a communicable disease may continue working as long as they maintain an acceptable performance and do not pose a safety and health threat to themselves, the public, or members of OJS.
1. OJS will make all decisions concerning the employee's work status solely on the medical opinions and advice of OJS health care officials.
 2. OJS may require an employee to be examined by OJS health care officials to determine if he/she is able to perform his/her duties without hazard to himself/herself or others.
- G. All personnel will treat employees who have contracted a communicable disease fairly, courteously, and with dignity.



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2-13 CRIME SCENE INVESTIGATION AND CONTROL

POLICY

Officers arriving at crime scenes will provide emergency assistance to victims, secure the crime scene, attempt to locate the offender(s), and initiate the preliminary investigation. Follow-up investigations will be conducted as necessary.

RULES AND PROCEDURES

2-13-01 GENERAL INFORMATION

A. Extent of Investigation.

The type of crime, type, and amount of evidence, presence and availability of eyewitnesses, whether suspect(s) is known or can be identified, and other variables predicates the extent of investigation conducted by officers. In some cases, because the crime is relatively minor involving only one victim or complainant, and very little physical evidence exists; one officer may conduct the investigation.

B. Importance of Preliminary Investigation. (first responder)

In many instances the initial investigation is the only investigation conducted. Therefore, officers will perform all preliminary investigations as thoroughly as practical given the type and nature of the crime, extent of the crime scene and presence of physical evidence, call load, and availability of resources to assist.

C. Major Crimes.

Scenes of major crimes involve extensive and thorough processing efforts and may include resources consisting of investigators and crime scene technicians from the FBI or other law enforcement agencies. Officers will ensure preliminary investigative efforts focus on immediate needs and priorities as described further in this procedure.

2-13-02 FIRST OFFICER ON SCENE - RESPONSIBILITIES

A. Initial arriving officers are responsible for:

1. Assessing the type and nature of the crime or incident, and the need for additional resources,
2. Identifying the location and extent of the crime scene, if any,
3. Identifying the date and time of occurrence,
4. Determining the location and/or identification of victims, witnesses, or suspects.
5. Initiating a preliminary investigation,
6. Providing the victim(s) with the Victim Rights brochure,
7. Alerting Social Services when children are involved.



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- B. Additionally, the first officers on scene are responsible for taking action to stabilize the situation, which may include, but is not limited to the following:
1. Rendering aid to victims, including requesting emergency medical response,
 2. Determining the location and extent of the crime scene and taking steps to seal the scene off to unauthorized persons,
 3. Locating and arresting the suspect,
 4. Locating and taking steps, consistent with applicable search and seizure laws, rules of evidence or other procedures, to protect important evidence from contamination or destruction,
 5. Requesting and coordinating the response of additional public safety resources, i.e. additional officers and/or investigators, fire and/or rescue, ground or air ambulance, etc.
- C. The first officer on scene will assume the role of the primary investigating officer until relieved by another officer or investigator at the direction of a supervisor. The primary officer will coordinate the preliminary investigation including the activities of assisting officers or resources.
- D. The primary officer will obtain as much information as possible from victims and witnesses. Whenever practical, the officer will obtain a written statement from the victim, witness, and complainant. The primary officer is responsible for evidence preservation.
- E. In cases where the crime just occurred or leads are fresh, the primary officer will ensure pertinent information is broadcast to field units regarding any information received during the investigation on the description of suspects, suspect vehicles, direction of travel and type and nature of weapons used, if any.

2-13-03 CRIME SCENE SECURITY

- A. Officers will establish the location and extent of the crime scene using the best information available to them at the time. When in doubt about the size of the scene, officers should err on the side of caution and enlarge the scene perimeter.
- B. The perimeter of the crime scene will be established using the appropriate marked barrier tape and/or barricades.
- C. One ingress and egress route to the scene will be established by use of barrier tape, barricades, or officers.
- D. Officers will ensure the scene is not accessible to unauthorized persons, i.e. the public, members of the media, defense attorneys, etc.
- E. Officers not directly involved in the investigation or crime scene processing will not enter the scene.



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- F. Any officer entering the scene will complete a supplemental report detailing their activities while inside the crime scene perimeter.
- G. Security will be maintained at a crime scene as long as necessary to preserve the scene for investigative purposes.
- H. Scenes of major crimes should not be released until authorized by the appropriate supervisor.
- I. The supervisor will consult with the assigned prosecuting attorney and investigating officers prior to authorizing the release of the crime scene.

2-13-04 CRIME SCENE PROCESSING STEPS

- A. Officers will conduct a thorough and complete processing of crime scenes for which the agency has primary jurisdiction and investigative responsibility. The scene will be searched and processed in compliance with established search and seizure policies and procedures. The extent of the processing will be determined by the primary officer, investigator, or supervisor based on the nature and type of crime, amount and type of evidence, availability of resources, call load, etc.
- B. The processing that is attempted in most cases may include, but is not limited to, the following:
 - 1. Photography.
 - a. Still photographs using digital photography equipment.
 - 1) Overall scene will be photographed.
 - 2) Specific items of evidence.
 - 3) Any injury or indications of injury to victim or suspect.
 - 4) Any other significant item, article, substance, or area of the scene.
 - b. Videotaping of scene using approved digital video equipment.
 - 1) Overall scene will be videotaped.
 - 2) Specific items of evidence or indications of injury are videotaped.
 - 3) Any other significant item, article, substance, or area of the scene.
 - c. Standard digital camera will be used.
 - 2. Diagrams.
 - a. Drawings depicting the crime scene, location of evidence and, in some cases, area surrounding the crime scene.
 - b. These diagrams are done to scale, when possible.
 - 3. Identification and seizure of trace evidence which may include, when applicable, the following, or any item believed to contain the following:
 - a. Blood.
 - b. Hair.
 - c. Fibers.
 - d. Semen.
 - e. Saliva.
 - f. Latent fingerprints.



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- g. Any other item, secretion, or substance, which could be used to link a specific individual to the victim, location of the crime or specific item of evidence.

C. Seizure of individual items of evidence.

1. Individual items of evidence will be secured in a manner that protects the evidence from contamination or destruction.
2. Individual items will be secured in a plastic or paper bag whichever provides the best long-term protection.
 - a. Items that are wet need to be dried, and items that are going to be dusted for latent prints are generally better protected in paper bags.
 - b. Plastic should only be used when the item needs to be protected from exposure to the air.

D. All items seized will be marked by the seizing officer in accordance with standards and procedures described in this manual. Generally, items, or their containers, are marked with the following:

1. An item number, according to the specific numbering system specified by the Chief of Police or Special Agent in Charge.
2. The seizing officer's initials and badge number.
3. The date and time of the seizure.
4. The crime report case number.
5. One or two word description of item.

E. This information is also recorded on the *Receipt for Evidence or Property* form that is submitted to the evidence custodian.

F. All crime scene-processing steps will be detailed in an initial or supplemental crime report.

2-13-06 MAJOR CRIMES

A. Officers arriving at the scene of a major crime will ensure the scene is protected in a manner consistent with the guidelines and procedures of this directive.

B. Officers will focus their efforts on the following:

1. Locate and render aid to victims, and/or request response from emergency medical resources,
2. Establish the location and extent of the crime scene using procedures described in the "Crime Scene Security" subsection,
3. Take appropriate action, to identify, locate, and apprehend the suspect(s),



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4. If the suspect(s) has fled the scene officers will ensure pertinent information on the suspect's description, nature of crime, type weapons used in commission of the crime, suspect vehicles, etc. is broadcast to field units and surrounding law enforcement agencies as soon as possible, and
 5. If applicable, make immediate notification of any other law enforcement agency, i.e., FBI, ATF, etc. who may have primary responsibility for investigating the crime(s).
- C. Officers will maintain the security of the crime scene(s) until the appropriate officer or agent in charge (AIC) from the responsible federal law enforcement agency releases them.
- D. Officers are responsible for detailing their actions and activities in incident reports. These reports will be completed and forwarded to the appropriate case agent or AIC within 48 hours of the date and time of the officer's involvement.
- E. A case number will be assigned when the case is turned over to Criminal Investigations.



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2-14 MISSING PERSONS-ABDUCTION/KIDNAPPING-SEARCH & RESCUE

POLICY

OJS will give cases involving a missing person high priority by responding to take the report, initiating a search if necessary, and quickly entering the information into the appropriate local, state, and NCIC law enforcement databases. Due to the vast boundaries of their jurisdiction, including a variety of topographical features, OJS officers must be trained and prepared to conduct search and rescue missions in an emergency situation.

RULES AND PROCEDURES

2-14-01 GENERAL INFORMATION

- A. The manner in which missing person cases are initially handled, and the speed with which pertinent information is distributed to local officers and area law enforcement agencies is critical to the successful outcome of the case.
 1. Officers will conduct proper investigations, prepare necessary reports, and request appropriate state and NCIC computer entries.
 2. Dispatchers will expedite entering missing person information into the appropriate database and ensure that the entry contains accurate and complete information.
 3. In every case, a Serious Incident Report will be completed by the supervisor and submitted to the Deputy Bureau Director through the chain of command.
- B. A missing person may be lost which is not a criminal offense or may be the victim of an abduction/kidnapping, which is a criminal offense. As soon as possible, officers will attempt to determine which category the missing person falls under.
- C. If the missing person is 17 years of age or younger, an AMBER alert should be initiated, based on the following criteria:
 1. There is reasonable belief by law enforcement that an abduction has occurred.
 2. The law enforcement agency believes that the child is in imminent danger of serious bodily injury or death.
 3. There is enough descriptive information about the victim and the abduction for law enforcement to issue an AMBER Alert to assist in the recovery of the child.
 4. The abduction is of a child aged 17 years or younger.
 5. The child's name and other critical data elements, including the Child Abduction flag, have been entered into the National Crime Information Center (NCIC) system.
- D. If a child is believed to have been abducted as the result of custodial interference, information regarding the non-custodial parent should also be disseminated.



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- E. The FBI will be notified immediately if it is determined that the victim has been abducted/kidnapped. The FBI is mandated to investigate kidnappings in accordance with 18 USC 1201.
- F. The FBI has developed a Child Abduction Response Plan available from NCJRS at: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=206248>

2-14-02 MISSING PERSONS

- A. There is no formal waiting period required before the officer will accept a missing person report. Officer(s) preparing a missing person report must collect and evaluate information (pictures, descriptions, etc.), and immediately investigate possible leads provided by the reporting person.
- B. At a minimum, the officer should incorporate the following information into the report:
 - 1. Physical description including; race, age, height, weight, build, hair length and color, scars/marks/tattoos.
 - 2. Time and location last seen.
 - 3. Vehicle description.
 - 4. Clothing description.
 - 5. Known medical problems and medications.
 - 6. Verification that the missing person is not in a local hospital or jail.
 - 7. The name of the dispatcher and the date and time the missing person's information was entered into the appropriate local, state or NCIC database.
 - 8. Any specialized units at the scene e.g. canine, helicopter.
 - 9. Assistance from other law enforcement departments at the scene.
- C. Dissemination of collected information
 - 1. Information will be entered into the appropriate local, state, or NCIC database.
 - 2. Immediate notification to surrounding or select jurisdictions by radio, telephone, teletype, e-mail, or broadcast media will be done based on the totality of circumstances.
- D. Follow-up investigation and search
 - 1. If circumstances dictate that an immediate search of the area should be conducted, such as a very small child missing or an adult with Alzheimer's disease, additional personnel will be requested from OJS, tribal or county law enforcement agencies.
 - 2. The area will be searched until it is determined that the possibility of finding the person is unlikely
 - 3. Based on the circumstances surrounding the missing person, investigators will conduct the follow-up investigation.



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E. Follow up Contact

The investigating officer will periodically re-contact the reporting person(s) to determine if any further information regarding the missing person has become available. If additional information is available, a supplemental report to the original case number will be prepared.

F. Entry and Removal of Missing Person Information

1. Officers will forward the missing person information to the dispatcher for entry into the appropriate local, state, or NCIC database. As soon as the necessary information is gathered and the report completed, information can be sent by telephone, fax, radio, or immediately delivered.
2. Dispatchers will expedite entering missing person information into the appropriate database and ensure that the entry contains accurate and complete information.
3. When the missing person is located, a report will be prepared and the information removed from the appropriate criminal justice information system by the recovering agency or district.

G. For missing juveniles, the investigating officer should immediately establish the fact that the youth is missing (i.e., search of the residence, check school, friends' homes, local stores, parks, etc.).

H. Retention period for missing person's record:

1. A missing person's record is retained indefinitely until action is taken by the originating agency to cancel or clear the record, or until a locate command is placed against the record.
2. A missing person's record for a juvenile is retained until a locate, clear or cancel, is placed against the record. Note: If a juvenile reaches his eighteenth birthday and no other action to update the file is taken, the file remains active in the system.
3. The duty dispatcher or records clerk receiving notification that the missing person has been located will follow NCIC guidelines and clear the entry from the system.
4. Documentation must be on file at the time of entry supporting the stated conditions under which the person is declared missing.

2-14-03 NCIC ENTRIES

A. The National Crime Information Center (NCIC) and state communication networks provide several different information files. The effectiveness of the system and agency liability depends on accurate and prompt entry of missing person's information, as well as immediate cancellation of entries when no longer required.



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- B. The following information will be obtained and included when issuing bulletins, airing law enforcement radio broadcasts and/or flyers dealing with BOLO's (be on the lookout) or ATL (attempt to locate) of missing persons:
1. A description of the circumstances of the disappearance.
 2. The identity of the missing person, if known.
 3. The missing person's physical description including race, age, height, weight, build, hair length and color, scars/marks/tattoos, and clothing description.
 4. Area and time last seen and direction of travel, or destination, if known.
 5. Description of associated vehicles, if known.
- C. Officers receiving information on missing persons will make every reasonable effort to locate the person when information indicates the person may be in, or headed for the officers area of responsibility. Any pertinent information received by officers during the course of attempting to locate a missing person will be documented in the appropriate incident or supplemental report and forwarded to their supervisor.

2-14-04 SEARCH AND RESCUE OF A LOST PERSON

- A. Responsibility for Search Operations:
The Supervisory Special Agent or the Chief of Police where the emergency is occurring will determine which law enforcement agency is responsible for the search and rescue operation that is occurring within OJS jurisdictional boundaries.
- B. If the Supervisory Special Agent or Chief of Police determines that OJS is responsible for coordinating the search and rescue operation, the Search and Rescue plan will be implemented.
- C. The Chief of Police or Supervisory Special Agent will identify a list of resources available for conducting search and rescue operations and include them in the Search and Rescue Plan. A copy of the plan containing the list will be maintained in Communications so that it is readily available.
- D. The Chief of Police or Supervisory Special Agent will ensure officers and supervisors have been trained in procedures for coordinating search and rescue efforts pursuant to the Search and Rescue Operations Plan that is available at each agency/district.

2-14-04 FIRST ARRIVING OFFICER-LOST PERSON

- A. The first officer on scene of a lost person(s) call will take immediate action that may include, but are not limited to:
1. Providing situation evaluation and update to the communications center.
 2. Locating and retaining complainants, witnesses and potential witnesses.
 3. Determining needs for immediate emergency actions to be taken.
 - a. Considering and arranging for immediate first aid.
 - b. Organizing and beginning a search.



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4. Establishing a Command Post and securing the scene.
 5. Assuming role of incident commander (IC) until relieved.
 6. Ensuring appropriate resources have been notified and are responding.
- B. The first officer on scene will ensure complainants, witnesses, and potential witnesses are interviewed. Officers assigned the task of conducting interviews will attempt to obtain information that may include, but not limited to:
1. Establishing the identity of person interviewed.
 2. Determining the identity, age, and description, including all clothing, of the person(s) lost.
 2. Obtaining a complainant or witness description of what happened.
 3. Obtaining a description of the trip plans of the person lost, particularly determining whether there were any plans for altering the original route or plans for what the person would do if they became lost.
 4. Obtaining a description, including license plate number, if known, of any vehicle(s) associated with the lost person.
 5. Determining the outdoor experience of the lost person including, but not limited to:
 - a. Whether the person is familiar with the area.
 - b. Whether the person has food and water - and how much.
 - c. Whether the person has any wilderness or outdoor survival training or experience.
 6. Determining if on foot, the hiking habits of the person including, but not limited to:
 - a. How fast the person hikes.
 - b. Whether the person stays on trails or goes cross-country.
 - c. Any special interests, i.e. lakes, landmarks, animal habitats, etc.
 7. Determining personal habits and traits of the lost person including, but not limited to:
 - a. Whether the person smokes, and if so, what brand.
 - b. Whether the person uses alcohol and what type.
 - c. Whether the person is religious, is persistent vs. being a quitter, is emotionally stable vs. a history of being unstable, etc.
 8. Determining whether the person is suicidal and, if suicidal, by what means is the person most likely to attempt to commit suicide.
- C. The first officer on scene will coordinate the efforts of responding units and personnel. The officer will meet and confer with arriving unit leaders on:
1. The scope of the operation.
 2. The immediate and projected resource needs of the search.
 3. The status of units already in the field.
 4. The Incident Command (ICS) organization.
 5. Control of access to the operational area based on weather and other safety factors.



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- D. As the acting IC, the officer will appoint an Operations Commander from one of the on-scene units.
- E. The officer will ensure additional law enforcement resources are responding and that any situations requiring immediate law enforcement action are handled.
- F. The officer will ensure that the Chief of Police or Supervisory Special Agent and/or other appropriate supervisors are notified of the extent and status of the search.
- G. The officer as IC will consider other immediate and long term needs related to the lost person. These needs may include, but are not limited to:
 - 1. Planning for response from news media.
 - 2. Summoning victim advocates to work with friends and family members of the lost person.
 - 3. Communicating with citizens wanting to continue to use facilities in and around the search area.

2-14-05 SEARCH OPERATIONS

- A. The Incident Commander (IC), in conjunction with the Operations Commander, will develop and implement a plan for the search operations. This plan may include, but is not limited to:
 - 1. A profile of the lost person to be used in defining the search objectives, determining resources needed, determining strategies, mapping the search area, and briefing the search teams.
 - 2. Establishing the search objectives including, an estimate on the amount of time left to find the person alive, the projected area that will ultimately be searched, and the initial focus of the search operation.
 - 3. Establishing the boundaries for the search area.
 - 4. Dividing the search area into segments.
 - 5. Prioritizing the segments to be searched.
 - 6. Assigning search teams and beginning the operation.
 - 7. Establishing medical and evacuation teams to rescue the person when found.
- B. As part of the search plan, the mission will be divided into operational phases. Those phases are:
 - 1. Initial Response.
 - a. Aimed at high probability areas.
 - b. Approached with speed as a priority.
 - c. Occur in the first few hours of the mission.
 - 2. First Operational Period.
 - a. Aimed at high probability areas that have been determined by the initial response.
 - b. Approached with speed and efficiency as priorities.



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- c. Considered the first day's search effort, usually ending at either 1800 or 0600 depending on when the initial response took place.
 3. Second Operational Period.
 - a. Aimed at new high probability areas and secondary search areas that have been previously covered.
 - b. Approached with efficiency and thoroughness as priorities.
 - c. Terminated at either 1800 or 0600 depending on when the first operational period ended.
 4. Subsequent Operational Periods.
 - a. Aimed at high and low probability areas simultaneously.
 - b. Approached with efficiency and thoroughness.
 - c. Involve 12-hour periods of time throughout the rest of the search mission.
- C. The IC will ensure a communications network is set up to communicate with all search teams.
- D. Each returning search team will be debriefed. The search plan will be assessed and modified as needed in response to information received from the search teams.
- E. Additional resources will be requested when necessary to:
 1. Relieve search personnel who have been searching for a long period of time.
 2. Expand the search area.
 3. Supplement existing search personnel.
- F. The IC will appoint a Logistics Commander and ensure that sufficient food; water and toilet facilities have been established for search personnel.
- G. The search effort will continue until the IC, after consulting with unit leaders and other ICS command staff, determines that the person is not within the search area and:
 1. The search area needs to be moved or expanded or,
 2. The search operation should be terminated.

2-14-06 POST-SEARCH OPERATIONS

- A. If the person is found alive, appropriate medical and/or evacuation teams will be sent to the person's location. In addition:
 1. The person's injuries or health condition will be treated and the person will be transported to the nearest medical facility as directed by on-scene medical personnel.
 2. As soon as practical after the evacuation, the person will be interviewed and debriefed by assigned agency officer(s) or investigator(s).



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- B. If the person's body is found, evacuation and investigative teams will be sent to the location of the body. The area where the body is found will be treated as a crime scene and processed for evidence of the cause of death. If foul play is not involved, the body will be removed from the scene as soon as possible.
- C. Notification of the person's family will be handled by the IC, or designated supervisor, and, if available, appropriately selected victim advocates.
- D. All involved agency officers and personnel will complete reports as directed by the Chief of Police or Supervisory Special or designated supervisor.
- E. A post operational debriefing will be scheduled within ten days of completion of the mission. Representatives of each unit involved in the search will attend the debriefing. The debriefing will be conducted in accordance with policies and procedures in this handbook.



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2-15 NEXT OF KIN NOTIFICATION

POLICY

OJS will make every reasonable effort to make emergency notifications to family regarding death, serious injury, or serious illness.

RULES AND PROCEDURES

2-15-01 GENERAL INFORMATION

Law Enforcement personnel have the responsibility to notify family members of deaths, serious injuries, or serious illnesses when requested to do so by relatives, or other police agencies. The officer must use tact and sensitivity when delivering this type of information.

2-15-02 NOTIFICATION PROCEDURES

Notifying next-of kin when there is a death, serious injury, or serious illness is a responsibility of law enforcement. Officer's should be sensitive to the nature of the situation and ensure the following:

- A. A supervisor should be contacted and advised of all details prior to making a notification.
- B. Notification will be made as promptly as possible.
- C. The presence of a clergyman, relative, or close friend (if known) will be requested whenever possible before notification.
- D. If notification has to be made alone, the officer will offer assistance to the next-of-kin in contacting a relative, close friend, or clergyman.
- E. Officers delivering emergency notifications will advise citizens the source of the information.



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2-16 WANTED PERSONS

POLICY

Wanted persons will immediately be entered into the local, state, and/or national databases, as appropriate, to enable quick apprehension by law enforcement.

RULES AND PROCEDURES

2-16-01 GENERAL INFORMATION

- A. Officers will conduct proper investigations, prepare necessary reports, obtain warrants, and request appropriate local, state, and/or NCIC computer entries.
- B. The dispatcher is responsible for immediately entering the warrant into the appropriate computer system and ensuring that the entry contains complete and accurate information.
- C. OJS will enter only its own warrants, not FBI, U.S. Marshal's, or Task Force warrants.

2-16-02 COMPUTER ENTRY OF PERSONS FOR WHOM WARRANTS HAVE BEEN ISSUED INCLUDING TRIBAL/CFR WARRANTS

- A. OJS will enter a person into the local, state, and/or national database following established criteria whenever:
 1. An officer obtains a felony or serious misdemeanor warrant for a subject.
 2. A person violates their probation or parole and a warrant is issued.
 3. A warrant is issued for an emancipated juvenile provided the juvenile will be tried as an adult for the charges.
 4. A juvenile has been adjudicated delinquent and is subject to the jurisdiction of the court making such adjudication, or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court, and
 - a. Who has escaped from an institution or agency vested with the legal custody or supervision of such juvenile, or
 - b. Who has absconded while on probation or parole excluding status offenses.
 5. A person is suspected of having information critical to the investigation of a serious crime and information exists that the individual is fleeing the jurisdiction.
 - a. Entries must be supported by a copy of the judgment, formal adjudication, or order of commitment that subjects such delinquent to probation or parole or to the legal custody of the institution or agency concerned.
 - b. All warrants must be entered within 24 hours of issuance.
- B. The investigator that has followed the above procedures and determined that a person has met the criteria to be entered into the local, state, and/or NCIC database will complete a request form and contact the United States Attorney or other appropriate attorney to confirm or decline extradition if the suspect is located.



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1. If the United States Attorney or other appropriate attorney confirms that extradition will be authorized, the state/NCIC entry will be made and the request form along with copies of other related paperwork will be filed in the teletype message file.
 2. If extradition is declined, no state/NCIC entry will be made and outstanding warrants/detention orders will be filed in the warrant file in case the subject is located at a later date.
 3. If the U.S. Attorney or other appropriate attorney cannot be located, the on-duty supervisor may authorize and approve the state/NCIC entry; however, the investigator will continue attempts to locate the U.S. Attorney or other appropriate attorney.
 - a. When located, if the U.S. Attorney or other appropriate attorney declines extradition, the investigator must insure that the original wanted entry is canceled, with appropriate notation as to why it was canceled.
 - b. Notes will be made on the NCIC entry form concerning the time and date the U.S. Attorney or other appropriate attorney was contacted and any other relevant comments.
- C. Dispatchers will follow guidelines set forth in state/NCIC operating manuals when entering and removing wanted persons from the appropriate database.
- D. The following information, if available, will be included when issuing bulletins, airing law enforcement radio broadcasts and/or distributing flyers dealing with BOLO's (be on the lookout) or ATL's (attempt to locate) wanted persons:
1. A description of the crime(s) committed.
 2. Suspect's identity.
 3. Suspect's physical description including; race, age, height, weight, build, hair length and color, scars/marks/tattoos.
 4. Clothing description.
 5. Last known location and direction of travel or destination, if known.
 6. Vehicle description.
 7. Type of weapon(s) involved.
 8. Local, state, and federal agencies in the immediate area, or where the suspect is believed to be headed, will be contacted and provided with as much information about the person as possible.
- E. Officers receiving information on wanted persons will make every reasonable effort to locate the person when information indicates the person may be in, or headed for, their area of responsibility. Any pertinent information received by officers during the course of attempting to locate a wanted person will be documented in the appropriate offense or supplemental report and forwarded to their supervisor.



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2-16-03 RETENTION OF WANTED PERSON RECORDS

- A. A “wanted person” entry for someone who has not been located or who has one locate message entered remains in the state/NCIC file indefinitely. (A second locate message must be entered by another agency, other than the originating agency, before the file is cleared, or the original entering agency may enter a clear message to remove the record.)
- B. The investigator is responsible for taking action to clear an entry when a wanted subject is located or when a decision is made by the appropriate attorney not to extradite a wanted person who has already been entered into the system.
- C. The dispatcher receiving such a request to cancel an entry by the investigator will follow state/NCIC guidelines and clear the entry from the system.



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2-17 DUTY ASSIGNMENTS

POLICY

The Chief of Police of each law enforcement agency is responsible for establishing and maintaining duty schedules for his/her agency. Schedules may vary from agency to agency due to size, location, and staffing. Agency specialized assignments will be made by the Chief of Police as needed.

RULES AND PROCEDURES

2-17-01 REGULAR DUTY ASSIGNMENTS

- A. Each Chief of Police will develop and maintain a written plan (schedule) for regular assignments. The plan will include, but not be limited to:
 1. Shift assignment
 2. Shift rotation
 3. Method for determining days off
 4. Procedure to request a change in shift or assignment
 5. The plan will include the location of shift briefings, staff bulletin boards, and logs.
- B. The Special Agent in Charge will review the plan annually to ensure its continued effectiveness.

2-17-02 ASSIGNED BEATS OR DAILY ASSIGNMENTS

- A. If roll call is not required, the supervisor will determine the officers' beat assignments and forward this information to the officers and the communications center.
- B. The on-duty supervisor will provide shift briefing for the routine exchange of information for officers coming on duty. Information will include at a minimum:
 1. Daily patrol activity, with particular attention given to unusual situations, potential and actual police hazards, changes in the status of wanted persons, stolen vehicles, major investigations, and information regarding relevant community-based initiatives;
 2. Notifying officers of changes in schedules and assignments;
 3. Notifying officers of new or revised directives.
- C. The on-duty supervisor will immediately refer any problem, crisis, or situation, unable to be handled during shift briefing, to the appropriate personnel.



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2-17-03 SPECIALIZED ASSIGNMENTS

- A. The Chief of Police will establish specialized assignments based on need and availability of resources. These assignments may include, but are not limited to, Public Information Officer, Training Coordinator, Firearms Instructor, PEB Coordinator, FTO's, ECT's, Property/Fleet Coordinator, etc.
- B. The Chief of Police will review specialized assignments annually to determine if the function is necessary.
- C. The Chief of Police or designee will select candidates for specialized assignments based on merit and possession of the skill, knowledge and abilities that are required.



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2-19 CORRECTIVE ACTION SUPPORT TEAM (CAST)

POLICY

Office of Justice Services conducts periodic assessments/audits of law enforcement agencies to ensure compliance with all applicable rules and procedures as found in the OJS Law Enforcement Handbook and DOI 446 DM 3 Policy Compliance Evaluation.

RULES AND PROCEDURES

2-19-01 GENERAL

- A. Bureau of Indian Affairs, Office of Justice Services senior leadership has developed and implemented a “Corrective Action Support Team” (C.A.S.T.) philosophy to assist OJS district and agency management assess critical programmatic issues. CAST will take immediate action to correct very specific challenges when needed. The primary goal of CAST is to ensure no material weaknesses exist in agency level operations.
- B. As a basis for the Corrective Action Support Team, guidance can be found in DOI 446 DM 3 Policy Compliance Evaluation and 340 DM 1 General Policy and Responsibilities.
- C. Other government documents regarding auditing include:
 1. GAO-01-1008G-Internal Control Management on Page 58 of Evaluation Tool.
 2. GAO-08-210G Professional Requirements Tool for Implementing GAGAS.
 3. OMB Circular A-123
 4. GAO Government Auditing Standards 2011
 5. GAO Standards for Internal Control of Federal Government.
 6. International Standards for the Professional Practice.
- D. Assessment Teams
 1. The Associate Director of Field Operations will identify ranking personnel from throughout OJS to serve as members of the Assessment Teams.
 2. Team members will be assigned to assess various functions within the agency such as Budget, Evidence, Operations, etc.
- E. Agency Corrective Action Plan Components
 1. The Assessment Team will use A BIA-OJS Policy/Regulations Audit Checklist to record the findings of the team. This checklist contains reference to the contents of the Law Enforcement Handbook and the requirements therein. There are 51 audit criteria in the Checklist.
 2. Assessors will use the Checklist to verify compliance with the LE Handbook rules and procedures. Handbook standards found to be out of compliance will be identified and corrective actions will be put in place to achieve compliance.



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3. Plans to correct deficiencies will include a completion date. Assessors will review agency efforts to become compliant and may need to conduct a follow up assessment at a future date.

2-19-02 SELF-AUDIT AND INSPECTION PROCESS

- A. All BIA law enforcement agencies will comply with the established audit and inspections process.
- B. The Corrective Action Support Team detailed personnel conduct inspections in the following areas:
 1. Police Programs (Districts, Agencies)
 2. Detention Programs
 3. Federal Case File Review
 4. Vulnerability Assessments
- C. The Office of Justice Services has an obligation to provide for audits and inspections of programs it operates or funds through contracts and grants because of the potential liability.
- D. There are three potential ways agencies may be selected for inspections or field audits:
 1. Agency request,
 2. Discovery of a pattern of complaints or negative information regarding agency activities, or
 3. According to timetables established by the Deputy Bureau Director, OJS.
- E. In all types of audits, including self-audits and inspections, law enforcement agencies will be evaluated against standards.
- F. The Deputy Bureau Director, OJS, or designee will provide training and self-audit materials for Special Agents in Charge in the self-audit process.
- G. Each Special Agent in Charge will complete a true and accurate assessment in his self-audit.
- H. Self-audit information is available from the Associate Director, Field Operations Directorate.

2-19-03 SELF-AUDIT PROCESS

- A. All law enforcement agencies will complete the self-audit process each year and submit the Self-Audit Workbook as part of their Annual Report.



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- B. The Deputy Bureau Director, OJS, will determine when self-audits will be due and two months prior to the time when the self-audit is due will provide copies of the Self-Audit Workbook to the District SAC.
- C. The Academy Director, Indian Police Academy, will provide a training module to explain how agencies complete a self-audit.
- D. In the self-audit process, Chiefs of Police, Supervisory Special Agents, and Special Agents in Charge will assess their own agency's compliance with standards. Following the format of the Self-Audit Workbook, agency administrators will:
 - 1. Review each standard, to determine its applicability to the agency.
 - 2. Assess each standard to determine if the agency is meeting the standard and has the necessary policy or procedure.
- E. The self-audit does not go beyond this level of compliance. However, it is strongly recommended that managers view this process as an opportunity to determine if the staff of the law enforcement agency is acting in a manner consistent with agency policy and if this compliance could be proved in the event of either a field audit, which will include an examination of documents and proofs, or litigation.
- F. If the agency administrator finds areas of non-compliance on the self-audit, he/she will initiate corrective action by developing a corrective action plan and following it until the deficiencies have been remedied.
- G. OJS audit personnel in the Field Operations Directorate will keep a record of all self-audits. The record will include, but is not limited to:
 - 1. The name of the agency,
 - 2. The date of the self-audit,
 - 3. The name of the administrator completing the self-audit,
 - 4. Standards determined to be applicable by the agency administrators,
 - 5. Non-compliance of mandatory standards, if any,
 - 6. Percent of compliance of non-mandatory standards,
 - 7. Copies of corrective action plans submitted, if any,
 - 8. Date of last inspection or field audit.
- H. OJS inspections personnel will provide notice of inspection, thirty days prior to the date the inspection is scheduled.

2-19-04 INSPECTION PROCESS

- A. The Deputy Bureau Director, OJS, will designate the number of agencies to be audited each year as a part of the normal inspection process.
- B. FOD personnel will select these agencies randomly.



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- C. The Deputy Bureau Director, OJS, may also require additional audits based upon requests for this service or upon observation or information regarding a pattern of non-compliance or similar actions that are detrimental to effective and professional law enforcement operations.
- D. The Deputy Bureau Director, OJS, will train and designate staff to conduct inspections.
- E. The designated staff will conduct a site visit to the agency to validate the self-audit or, if none has been completed, initiate a field audit.
- F. Designated CAST personnel will validate:
 - 1. The policy compliance and the standards selected as applicable to the agency, ensuring that none have been omitted,
 - 2. The level of compliance selected in the self-audit, by ensuring that all of the requirements of the standards have been met, and
 - 3. The degree to which the agency has proof of compliance.
- G. Designated CAST personnel will conduct any interviews pertinent to the inspection process.
- I. Following the site visit, the designated CAST personnel will complete a report to:
 - 1. Document the findings of the audit,
 - 2. Initiate recommendations for improvement or to correct areas of non-compliance.
 - 3. Provide a copy of the report to the SAC and the agency COP/SSA.

2-19-05 ACTION PLANS

- A. If the designated staff discovers that the agency is not compliant with mandatory standards, or that the Special Agent in Charge failed to include applicable non-mandatory standards, FOD will direct the agency administrators to complete a corrective action plan.
- B. The COP/SSA will forward the corrective action plan to the District SAC for review and approval. The SAC will then forward the plan to the Associate Director, FOD.
- C. The COP/SSA will have 45 days to correct areas of non-compliance. Additional time for correcting non-compliance issues may be authorized through a written request to the Associate Director, FOD.
- D. The OJS FOD staff will monitor progress toward compliance through the action plan.
- E. At the discretion of the Deputy Bureau Director, OJS FOD staff may re-inspect the agency to determine that the deficiencies have been corrected.



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2-20 TRAFFIC ENFORCEMENT

POLICY

OJS seeks to reduce traffic crashes and injuries, and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic, through a combination of education and enforcement. Enforcement action may consist of a warning, citation, or arrest.

RULES AND PROCEDURES

2-20-01 GENERAL

- A. Traffic law enforcement involves all activities or operations that relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. The emphasis of an officer's traffic enforcement is placed on violations that contribute to crashes and that prevent hazards to vehicular and pedestrian traffic.
- B. The types of enforcement action depend on applicable local, tribal, and state law. The procedures included in this section are offered as general guidelines that may be modified based on applicable law.
- C. The primary responsibility of tribal officers assigned to NTSA is traffic enforcement and traffic safety.

2-20-02 OFFICER DISCRETION

- A. Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic crashes are minimal, when the act may be due to ignorance of a local ordinance, or there may be a unique violation that the driver is not aware.
- B. Officers should issue a traffic summons (citation) to a violator who jeopardizes the safe and efficient flow of vehicular and/or pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.
- C. Officers will make a physical arrest in accordance with applicable local, tribal and state laws including but not limited to:
 - 1. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants, including drugs.
 - 2. Whenever a felony has been committed involving a vehicle.
 - 3. When the operator refuses to sign the promise to appear on the traffic summons.



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2-20-03 SPECIAL CATEGORIES OF VIOLATORS

- A. If officers are not cross-deputized, they will follow the local rules regarding traffic enforcement actions that involve non-Indians or non-residents of their service area. Officers that are cross-deputized may follow guidelines established by the law enforcement agency deputizing them.
- B. Juvenile traffic offenders will be prosecuted for traffic violations in accordance with applicable local, tribal, or state law. If a juvenile is arrested, applicable juvenile guidelines apply in processing the juvenile arrestee.
- C. Officers should be aware that foreign diplomats, their families and servants, and other consular officials, certain state officials when legislatures are in session and members of Congress may be permitted special consideration based on applicable federal, state, or tribal law.
- D. Military personnel are afforded no special immunity, although military regulations permit the use of an expired driver's license issued by their non-military residence of record. However, this is permissible until they separate from the military or obtain a driver's license from the local jurisdiction where they are now stationed.

2-20-04 DOCUMENTATION OF TRAFFIC ENFORCEMENT ACTIVITY

- A. Officers will complete a traffic summons or penalty assessment citation whenever a motorist is to be charged with a traffic violation. Officers will complete documentation of written warnings if permitted by applicable federal, state, or tribal code.
- B. Officers will advise the drivers of any of the following which apply:
 - 1. Court appearance schedule.
 - 2. Mandatory court appearance by the motorist.
 - 3. Prepayment of fine or penalty assessment. This is a matter of law that determines whether the motorist can prepay the fine before court and enter a guilty plea.
 - 4. Any other information required by the applicable state, tribal or local laws before release of the motorist.

2-20-05 UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

- A. Hazardous Violations
Hazardous violations are those that have the immediate potential for bodily injury and property destruction; e.g., speeding, running a red light or stop sign.



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B. Other Non-Hazardous Violations.

Non-hazardous violations are those not likely to result in injury or property damage. Consider degree of hazard, place, previous crash history of location, current directed patrol emphasis.

C. Equipment Violations.

Consider issuance of summons for essential equipment defects.

D. Public Carrier/Commercial Vehicle Violations.

1. Consider congestion, lack of parking, and carrier needs for delivery access.
2. Repetitive violators should be cited.

E. Other Non-hazardous Violations.

Consider warning unless repetitive or flagrant.

F. Multiple Violations.

May cite all if deemed necessary.

G. Newly Enacted Laws and/or Regulations.

1. Normally, a grace period is established during which only warnings will be given. Thereafter, officers should use discretion.
2. Officers may allow a reasonable period of time, normally:
 - a. One month before issuing a summons for a:
 - 1) Violation of a newly enacted traffic law.
 - 2) Speeding violations in an area in which the speed limit has been reduced.
 - b. One week after expiration before issuing a summons for:
 - 1) Expired state license tags.
 - 2) Expired state inspection stickers.

2-20-06 GENERAL TRAFFIC LAW ENFORCEMENT TACTICS

A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.

1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
4. Stationary observation, either covert or overt, is used as a technique to observe the flow of traffic at a particular location.



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- B. Officers are encouraged, when completing reports or doing other activities that will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the presence of the patrol vehicle will remind drivers of the need to comply with traffic laws.
- C. Unmarked vehicles used by special agents in plain clothes for covert or proactive purposes shall be equipped, at a minimum with a visible emergency signal; for example, dash, visor, or similar blue light.
- D. All police vehicles routinely used to conduct traffic stops will be equipped with operable, visible, and audible emergency signal devices.

2-20-07 TRAFFIC STOPS

- A. There are two major objectives of a traffic stop, which depend on the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. They are:
 - 1. To take proper and appropriate enforcement action.
 - 2. To favorably alter the violator's future driving behavior.
- B. Officers shall follow these rules in all traffic stops:
 - 1. Be alert at all times for the unexpected.
 - 2. Be absolutely certain the observations of the traffic violations were accurate.
 - 3. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - 4. Have the necessary equipment and forms immediately available.
 - 5. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude.
 - a. In most cases, decide on the formal enforcement action before contacting the violator.
 - b. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The officer may then decide to issue a warning rather than a citation.
- C. Action taken before making a vehicle stop.
 - 1. Maintain a reasonable distance between the vehicle and the police unit.
 - 2. Locate a safe spot to stop the vehicle.
 - 3. Activate the appropriate emergency equipment and signal the vehicle to stop.
 - 4. Advise the dispatcher of the intention to stop the particular vehicle, giving:
 - a. Location of the stop.



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- b. Vehicle's license tag number and/or other description when necessary, i.e., number of occupants, color, make of vehicle, reason for the stop.
 5. Position the police vehicle approximately one-half to one car length behind the violator's vehicle in a way that provides the officer some protection from oncoming traffic (approximately two feet outside and to the left of the violator's vehicle).
- A. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, in addition to the above:
1. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the stop.
 2. Train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle.
 3. Use the unit's public address system to give the occupant(s) of the vehicle instructions
- B. Hazards.
1. On multi-lane roadways, the officer will insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until both vehicles reach the right side of the roadway.
 2. If the violator stops abruptly in the wrong lane or in another undesirable location, the officer should use the public address system to direct him/her to move to a safer location.
 3. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.
- C. Approaching the violator.
1. The officer will leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
 2. The officer will approach the vehicle from the rear of the violator's car, looking into the rear seat and stopping behind the trailing edge of the left front door.
 - a. The officer will maintain this position if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him/her in a slightly awkward position and at the same time keep all occupants of the vehicle in view.
 - b. In cases in which the violator's car has occupants in both the front and rear seats, the officer will approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.



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- c. In traffic stops made by two-officer patrol vehicles, the passenger officer will handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and cover for his/her fellow officer. At no time will the two officers approach the violator together.
3. Based on roadway conditions and officer safety considerations, approaching the vehicle on the right side/passenger side of the vehicle may be a better alternative. Officers should use this technique based on their discretion and training.

D. Communicating with violators:

1. Officers will communicate courteously and appropriately with the violators.
2. Inform the violator what traffic law he/she has violated and the intended enforcement action.
3. Ask for the violator's driver license and vehicle registration, and accept only these forms.
4. If the driver has no driver's license, obtain another document of identification and consider if there are additional violations to cite.
5. Officers are discouraged from positioning themselves or the violator between the vehicles unless conducting a search of the trunk/vehicle.
6. Listen and allow the driver to discuss the violation.
7. Complete the forms required for the enforcement action taken or exercise an oral warning.
8. Explain to the violator exactly what he/she is supposed to do in response to the action taken and how this action will affect him/her.
9. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
10. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

E. Officers will release the defendant after he/she:

1. Signs the summons, and/or
2. Receives a copy of the summons.

2-20-08 SPEED ENFORCEMENT

Officers will uniformly enforce speed laws within their jurisdiction.

A. Pacing

The officer follows the vehicle being paced at a constant interval for a distance adequate, normally about one mile, to obtain a speedometer reading.

When pacing is used as a law enforcement tool, the speedometer must be calibrated.



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B. Radar

1. Radar is not used for “filler” or “slack” officer time, but is applied where vehicle speed is a hazard to other motorists or pedestrians.
2. All departmental radar units must meet current National Highway Traffic Safety Administration standards.
3. Radar is used in compliance with the manufacturer’s instructions and by an officer who is appropriately trained or currently certified in the operation of the device.
4. In court, officers must establish the following elements of radar speed:
 - a. The time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar speed check.
 - b. Officer qualifications and training in use of radar.
 - c. Proper operation of radar unit.
 - d. The unit was tested for accuracy before use and after use by an approved method.
 - e. Identification of the vehicle.
 - f. Speed limit in the zone in which officer was operating and where the signs were posted.
5. The Chief of Police or designee is responsible for the proper care and upkeep, maintenance and calibration of radar units, and maintenance of records. The Chief of Police or designee will conduct a monthly review of the calibration records.

2-20-09 SPECIAL TRAFFIC PROBLEMS

- A. During routine traffic law enforcement activities, officers frequently encounter persons they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent them from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement may be taken, officers should notify the appropriate licensing authority of these findings or suspicions giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted.
- B. Pedestrian and Bicycle Safety.
 1. The Chief of Police will review the traffic crash records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program.
 2. The commanding officer may recommend to officers enforcement measures to:
 - a. Reduce or eliminate human or environmental factors leading to crashes.
 - b. Reduce or eliminate the behavior, decisions and events that lead to crashes.
- C. Off-Road Vehicles (Including Dirt Bikes, Snowmobiles and Mopeds).
 1. Crashes involving off road vehicles require a traffic crash report.



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2. An officer that observes an unlicensed off-road vehicle on a public highway will order it removed and take appropriate enforcement action.
3. Officers will enforce all laws, rules, and regulations, including vehicle registration laws concerning the operation of off-road vehicles.



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2-21 VEHICLE ACCIDENT INVESTIGATION

POLICY

OJS officers will investigate vehicle accidents and take any necessary enforcement action, based on circumstances.

RULES AND PROCEDURES

2-21-01 GENERAL ACCIDENT REPORTING AND INVESTIGATION PROCEDURES

- A. Officers must be familiar with applicable local, tribal, state, and Federal laws regarding the reporting of traffic accidents. They should also be familiar with agency requirements for officers involved in traffic accidents.
- B. Officers who investigate accidents will conduct investigations that are thorough and well documented.
- C. A police officer will respond to and prepare a report of the accident and any applicable crimes when any accident involves:
 1. Death or injury,
 2. Hit and run,
 3. Driver impairment due to alcohol and drugs,
 4. Damage to either public or private property if the damage exceeds the amount designated in applicable local, tribal or state law,
 5. Hazardous materials,
 6. Any accident involving government property, vehicles, equipment or facilities,
 7. Any accident involving disturbances between parties or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required.
 8. Any other type of accident in which a report is required by the Special Agent in Charge or applicable federal, state or tribal law.

2-21-02 ACCIDENT SCENE RESPONSIBILITIES OF THE FIRST OFFICER AT THE SCENE

- A. The first officer at the scene is also the primary investigating officer and in charge at the scene, unless the supervisor deems it more appropriate to assign another officer these responsibilities.
- B. Officers will administer emergency medical care (basic life support measures) pending arrival of advance medical responders.
- C. Officers will identify potential fire hazards and/or hazardous materials and summon additional help as required (officers, rescue, fire equipment, Hazmat equipment, tow truck, etc.).



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- D. Officers will protect the accident scene.
- E. Officers will preserve and photograph evidence such as, but not limited to, broken parts, skid marks, etc.
- F. The primary officer is responsible for controlling property belonging to accident victims.
- G. Officers will establish a safe traffic pattern around the scene.
- H. Officers will locate witnesses and record key accident information (license numbers, observation of damage before vehicles are moved, etc.).
- I. Officers will expedite removal from roadway of vehicles, persons, and debris (in property damage only accidents, where possible, get vehicles off roadway immediately to get traffic moving).
- J. The officer assigned to a accident has the responsibility and authority to request assistance from any other officers as needed.
- K. In any accident which involves a fatality and which occurs in the agency's jurisdiction, officers will notify a CI special agent to make a determination if a crime has been committed and what additional actions should be taken.

2-21-03 ACCIDENT SCENE PROCEDURES

- A. Upon the receipt of a report of a motor vehicle accident that requires the services of an officer, the officer assigned will proceed directly to the scene.
- B. Officers will not park police vehicles at the scene in a manner that endangers other pedestrians, motorists, or citizens.
 - 1. The officer will consider using the police vehicle as a shield to protect the scene as well as himself/herself.
 - 2. The officer will leave his emergency lights on.
- C. During periods of reduced visibility or darkness, the officer will put on a reflector safety vest before leaving the vehicle. A reflective safety vest will be worn at all times while directing traffic or standing in the roadway. Flares or reflectors are available in each police vehicle for use in creating an illuminated warning pattern to alert other motorists.
- D. Officers will have immediate access to a copy of the current emergency response guidebook that permits rapid identification of DOT vehicles, contains placards for hazardous materials, and gives information concerning the nature of the hazard, emergency procedures, and evacuation procedures.



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1. Any officer arriving at the scene of such an accident and seeing hazardous materials placards will immediately request that the fire department respond.
 2. The designated hazardous materials incident responder will assume control of any scene involving hazardous materials, and all officers will provide support as required. Any investigation of the accident will occur after approval by the hazardous materials incident responder.
- E. Any property belonging to accident victims must be protected from theft or pilferage.
- F. If the vehicle and its contents are not released at the scene, officers will conduct an inventory.

2-21-04 INCLEMENT WEATHER

- A. In case of extremely inclement weather where a accident involves only property damage, the dispatcher or officer may, with the supervisor's approval, obtain information over the phone to complete the accident report and request that the involved parties come to the agency's office and file a report within the time imposed by state, local, or tribal laws.
- B. The employee taking the telephone report will record the name, address, operator license number, and telephone number of all involved drivers and forward them to the commanding officer, or his designee, who will confirm the filing of the report.

2-21-05 ACCIDENT INVESTIGATION PROCEDURES

- A. At the scene of the accident, the investigating officer will conduct a thorough investigation. The investigation will include, but is not limited to:
1. Interviewing principals, witnesses, and securing necessary identity and address information.
 2. Examining/recording vehicle damage.
 3. Examining/recording effects of the accident on the roadway or off the roadway or other property/structures, etc.
 4. Taking measurements as appropriate.
 5. Taking photographs as appropriate.
 6. Collecting/processing evidence.
 7. Exchanging information among principals.
 8. Completing a accident diagram as appropriate.
- B. Accident investigation follow-up activities may include:
1. Collecting of additional scene data.
 2. Obtaining/recording formal statements from witnesses.
 3. Reconstructing accidents.
 4. Submitting evidentiary materials for laboratory examination.
 5. Preparing accident or offense reports arising from the accident.



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- C. In a particularly serious accident involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to assign a CI special agent. The primary investigating officer may summon expert or technical assistance from photographers, surveyors, mechanics, physicians, and accident team specialists. Officers will request expert assistance through the OJS Manager.
1. At the scene of the accident, the officer may take immediate enforcement action.
 2. If the driver or suspected driver is transported to the hospital before arrival of an officer, and the officer concludes that the use of alcohol or drugs was a contributing factor, the officer will ensure that a proper investigation is conducted including the collection of appropriate evidence, such as blood samples.
 3. In other traffic-related investigations, when the officer leaves the scene of the accident, follows up, and later identifies an offender or offense, the officer will take appropriate enforcement action.
- D. Officers will complete accident reports in accordance with applicable local, tribal, state, and Federal law within 24 hours after completing the investigation.
- E. Officers will use standardized forms and coding mandated by the appropriate collecting agency i.e., state division of motor vehicles.

2-21-06 ACCIDENTES INVOLVING LAW ENFORCEMENT AGENCY VEHICLES

- A. In case of accident or damage to any police vehicle, the driver will immediately request that the supervisor or a senior officer conduct an investigation that is immediately reported on an accident investigation form.
- B. Supervisors or senior police officers will be dispatched to the scene of all police vehicle accidents and accidents that occur during a pursuit.
- C. As soon as possible following the incident, supervisors or senior officers will require that all police vehicles involved in accidents, no matter how minor, be inspected before returning to service by the designated repair facility and/or supervisor or designee.
 1. When a police vehicle is involved in an accident or incident in which any mechanical malfunction is alleged as contributing to the cause of the accident or incident, that vehicle will be removed from service until it can be examined and repaired by authorized repair personnel.



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2. If a police vehicle is involved in an accident with a fixed object, (telephone pole, concrete parking barrier, etc.) and there is no damage to the fixed object and only minor damage to the police vehicle, which does not require repair, or, if a police vehicle is involved in a minor accident with another vehicle where resulting damage to either vehicle is of such a minor nature as not to require repair, the following procedures should be used:
 - a. The officer's supervisor will contact the officer and/or repair facility to ascertain whether repairs will be done.
 - b. The Board of Survey will review all available information including SF-91 and DI-103 and make a decision as to whether the accident may be chargeable or non-chargeable.
 - 1) If the accident appears chargeable, then the officer will be scheduled for a Board of Survey hearing.
 - 2) If the accident is non-chargeable, it will be classified as such and the officer will not be required to appear before the Board of Survey.
- D. If it is necessary to hold the vehicle for an extended period of time, all personal property and weapons will be removed and the officer will be assigned another vehicle.
- E. Personnel will not remove any vehicle from the repair facility or "down line" without the permission of the vehicle repair/maintenance personnel.
- F. A wrecker is only used to tow police vehicles when necessary and only with prior authorization of a supervisor.
- G. Duties of the Officer Involved in an Accident.
 1. Render aid to the injured/obtain medical assistance.
 2. Secure the scene from further damage, and preserve evidence, i.e., determine the other driver's name and license number.
 3. Call for a supervisor.
 4. Request that a unit be dispatched to investigate the accident.
 5. Insure that all of the U.S. Government accident forms and reports listed in the documentation section are completely and accurately filled out.
 - a. The injured person is responsible for filling out the form, except for the supervision, and witness sections.
 - b. If unable to do so, the supervisor will complete the injured person sections of the CA-1.
 - c. The supervisor is responsible for completing his section of the CA-1 and ensuring that any witnesses complete their section of the CA-1.
 6. The officer will file the accident report form within the state/tribe where the accident occurred.
 7. Cooperate with the law enforcement officer conducting the investigation.
 8. Submit to a breath or blood test if required by a supervisor.



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H. Duties of the Investigating Officer

1. Inform the OJS Manager of the facts surrounding the accident.
 2. Complete a sketch or scale diagram at the discretion of the on-scene supervisor.
 3. Forward a copy of the accident report to the concerned OJS Manager as soon as it is complete.
 4. Attempt to obtain written statements from driver, passengers, and witnesses on accidents involving injuries.
 5. If the driver, passengers, or witnesses are non-residents, the investigating officer will request a written statement in all police vehicle accidents.
- I. The OJS Manager will review all accident reports and take appropriate action, including coordination with the appropriate prosecuting attorney.
- J. Each District has discretion to use an external agency to investigate a LEO accident when circumstances dictate.

2-21-07 BOARD OF SURVEY

- A. To evaluate the cause of accidents involving Bureau vehicles and recommend administrative disciplinary action where indicated, the OJS Manager will initiate a Board of Survey.
- B. The OJS Manager and his supervisor will identify individuals to serve on the Board of Survey. Upon approval, the board will be composed of:
1. Area or Agency Safety Officer (Chairman).
 2. Supervisory Special Agent or Chief of Police
 3. Agency employee
 4. A uniformed Police Officer
 5. A Special Agent
- C. The Board of Survey will convene to determine the cause of accidentes involving U.S. Government vehicles. The Board of Survey has the responsibility to recommend disciplinary action where negligence on the part of the involved driver is established. In making recommendations, the Board of Survey will comply with Property Management Guidelines for assessing liability and/or disposition of the vehicle and other property.
- D. The designated Safety Officer or Supervisory Special Agent will:
1. Obtain the accident report or damage to property report.
 2. Meet with the Board of Survey Chairman to determine what accidentes will be heard by the Board.
 3. Determine if there has been a possible violation of OJS Policy relating to vehicle operation and/or violation of traffic laws.



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4. Establish a Board of Survey hearing date and notify Board members of that date.
 5. Notify the employee in writing of the hearing date.
- E. After the hearing, the Board of Survey will determine if there was negligence by:
1. Violation of traffic laws.
 2. Violation of OJS policy.
 3. If no violation is found, will notify the employee that the case is closed.
- F. The Board of Survey will recommend appropriate discipline and forward the recommendation to the commanding officer of the employee involved, if a violation occurred, consistent with applicable Property Management Guidelines.
- G. The Board of Survey will forward disciplinary action forms to the appropriate supervisory line officer for action, consistent with applicable Property Management Guidelines.
- H. The OJS Manager, as appropriate, will have the final level of approval, disapproval, or modification of the recommended discipline.



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2-22 IMPOUNDS AND TOWING

POLICY

It is the policy of the OJS to ensure roadways are properly cleared of illegally parked and abandoned vehicles and that vehicles involved in crashes are moved to a safe location or towed.

RULES AND PROCEDURES

2-22-01 GENERAL TOWING

- A. Owner/operators may request a towing firm when it is necessary to tow their disabled vehicle. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer will ask the dispatcher to send the on-call wrecker. If the owner/operator requested tow service cannot or does not respond in a timely manner, the officer will request the on-call wrecker.
- B. The Agency Chief of Police will identify the towing services that may be used and will identify how calls are to be divided among tow services. The Chief of Police is responsible for providing the dispatcher with a current and updated on-call roster for wrecker services. This roster will include wreckers for standard and oversize vehicles.
- C. If the vehicles involved are larger than normal passenger vehicles, the officer will advise the dispatcher who will dispatch accordingly.

2-22-02 GENERAL TOWING PROCEDURES

- A. Officers will comply with all applicable federal, state, or tribal law regarding towing of disabled and abandoned vehicles within their jurisdiction.
- B. Any vehicle involved in a crash, broken down, or abandoned will be removed to the shoulder of the road as soon as possible after necessary crash investigation information has been obtained.
 - 1. Vehicles will be removed from the shoulder without unnecessary delay, consistent with state and tribal laws.
 - 2. Officers may only push cars with properly equipped police vehicles.
 - 3. If it is not possible to remove the vehicle from the roadway, the police officer will require towing of the vehicle at the expense of the owner.
- C. Vehicles that are of evidentiary value or involved in the commission of a crime will normally be towed at the request of the officer to the police compound or other designated area at law enforcement expense.



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D. A vehicle driven by a DUI suspect will be towed at the owner's expense when:

1. The investigating police officer, based on his/her community caretaking function, concludes that the vehicle jeopardizes public safety and the efficient movement of vehicular traffic.
2. The location of the vehicle poses a threat for vandalism or theft.

E. The vehicle may be left parked or turned over to another licensed driver when:

1. The suspect is the registered owner and requests that the keys be turned over to a friend or relative who may take possession of the vehicle without undue delay.
2. The driver is not the registered owner and the officer is able to contact the owner who agrees to leave it parked legally on or off the roadway as long as D.1. or D.2. is not applicable.

2-22-03 VEHICLES ON PRIVATE PROPERTY

Towing vehicles from private property is generally more restricted than from public property. Officers will refer to and follow applicable state and tribal laws when towing vehicles from private property.

2-22-04 IMPOUNDMENT AND INVENTORY SEARCHES

A. Officers will not inventory vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked.

Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest.

B. Officers will complete a vehicle inventory tow-in report when an officer takes the vehicle into police custody or impounds the vehicle and arranges to have it towed. Officers usually complete the inventory at the roadside. In special circumstances, including, but not limited to a large number of items to be inventoried, inclement weather, or hazards associated with inventorying at the roadside, the officer may inventory the vehicle at the location to which the vehicle is towed.

C. The purpose of the inventory is to:

1. Ensure the safekeeping of all items while in law enforcement custody,
2. Ensure that the public and officers are not placed at risk because of the presence of an unknown risk.

D. The officer will inventory all accessible areas of the vehicle, including the trunk of the vehicle, if the vehicle keys are available.

E. In the absence of vehicle keys, the officer will inventory only the accessible areas of the vehicle unless otherwise authorized by an on-duty supervisor.



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- F. The on-duty supervisor will base the decision to inventory other areas of the vehicle based on the totality of the situation, considering factors including, but not limited to:
 - 1. The potential for the trunk or other areas to contain evidence of a crime or hazardous material,
 - 2. The fact that the owner of the vehicle is missing under suspicious circumstances,
 - 3. The fact that the vehicle is stolen or was involved in a crime.

- G. The officer may inventory the contents of closed and locked containers if it is reasonable to assume that the container:
 - 1. May contain an item(s) of value,
 - 2. Might be lost or misplaced, or
 - 3. Might conceal something that might be a risk to the public or the officers.

- H. If there are multiple containers and it would be reasonable to assume that the contents of the containers were identical or similar, officers are authorized to conduct a selective inventory of one or more containers to determine their contents.

- I. Before the vehicle is removed, officers will obtain the signature of the tow truck driver on the inventory report and provide the tow driver with a duplicate copy of the report.

2-22-05 REPORTS AND RECORDS

Officers will turn in the original of the tow form including the inventory, to be filed for ready access by the Chief of Police or Special Agent in Charge, other officers and/or support staff such as clerks or dispatchers.



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2-23 HIGH RISK TRAFFIC STOPS

POLICY

To ensure the safety of the officer and the public, officers will employ high-risk stop techniques when stopping vehicles containing persons known or suspected of committing a serious crime.

RULES AND PROCEDURES

2-23-01 GENERAL INFORMATION

Criteria for High Risk Stops

Officers are required to stop vehicles they believe are occupied by person(s) suspected of having committed serious crimes. These stops may create a high risk to the officers and the public. Circumstances which may justify the use of this procedure include, but are not limited to:

1. Suspects wanted for crimes involving the use or threatened use of a deadly weapon.
2. Suspects wanted for other crimes and who are known, or believed to be armed.
3. Stolen vehicles with unknown suspects.
4. High speed vehicle pursuits.

2-23-02 DEFINITIONS

A. High Risk Stop.

Any stop where there is reasonable suspicion leading officers to believe that the occupants of the vehicle are committing, have committed, or are about to commit a crime, and circumstances are present which lead officers to believe a potential risk to their own safety or the safety of the public may be present.

B. Primary Unit.

The primary unit is the first police unit behind the suspect vehicle. This unit is responsible for choosing the location for the stop, communication of the instructions to the suspects, and coordination of the arrest.

C. Secondary Unit.

The secondary unit is the second police unit involved in the stop. The secondary unit is responsible for assisting the primary unit with the arrest and for coordinating other assisting units or officers.

2-23-03 PROCEDURES PRIOR TO THE STOP

- A. When an officer locates a vehicle driven by a known or suspected felon, he/she will immediately notify the dispatcher of his/her location and provide a description of the vehicle and occupants.



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- B. This officer will be the primary unit unless a supervisor designates another officer to assume the primary officer duties.
- C. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop.
- D. The officer will keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment.
- E. The officer will not stop the suspect vehicle until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop as a last resort.

2-23-04 PRIMARY UNIT PROCEDURES

- A. The primary unit will select the location for the stop. Selection of the location is based on information available to the primary officer, including but not limited to:
 - 1. The safety of the public, officers, and the suspects.
 - 2. The potential for resistance by the suspects.
 - 3. Road and traffic conditions.
 - 4. Available lighting, cover, and/or concealment.
- B. Officers will remain aware that the suspect may not stop when desired and adjust plans accordingly.
- C. The primary unit will inform dispatch and the assisting officers of the proposed location of the stop.
- D. The primary unit will initiate the stop, signal the violator to stop, and use all emergency equipment to warn other traffic.
- E. On all high risk stops (felony stops) the officer will have his weapon drawn and ready for immediate use, consistent with training.
- F. The primary unit will use the vehicle's public address system to direct the violator to stop on the extreme right side of the road.
- G. The primary officer will park his patrol vehicle approximately three to four car lengths (35' - 70') behind the suspect vehicle. The front of the patrol vehicle will be offset to the left and angled such that the headlights of the patrol vehicle provide illumination, when applicable, of the rear of the suspect vehicle.
- H. The primary officer will maintain a position in the vehicle with the driver's door open so that cover is provided by the engine block of the vehicle.



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- I. Once in this position, the primary officer will attempt to establish verbal communication with the suspect.
 1. The primary officer will order the suspect(s) to place their hands in a neutral position, i.e., in the air above their heads, on the ceiling, behind their heads, or on the windshield.
 2. The primary officer will order the driver of the suspect vehicle to place the ignition key(s) on the roof of the car or toss them on the hood of the car.
 3. The primary will not order the suspect(s) to get out of the vehicle until sufficient assistance is on scene.

2-23-05 SECONDARY UNIT PROCEDURES

- A. The secondary officer's responsibilities include assisting the primary vehicle with arresting the suspect(s) and coordinating the duties, assignments, and positioning of additional assisting vehicles, if any.
- B. The secondary officer may request additional police vehicles to act as third or fourth cover vehicles behind the secondary officer's vehicle, or to stop traffic from entering the area of the stop or to perform other necessary functions as indicated by the circumstances.
- C. The number of assisting officers and vehicles and their duties is determined by the circumstances of the stop. Circumstances to be considered include, but are not limited to:
 1. The nature and seriousness of the crime(s) it is believed that the suspect(s) committed.
 2. The time of day, location of stop, population of the area potentially affected by the stop, amount of lighting, traffic, and road conditions, etc.
 3. Credibility of information that suspect(s) are armed and type of weapon(s).
 4. Number of suspects in the vehicle.
- D. The secondary officer will choose one of the following positions based on the circumstances of the stop and the officer's judgment of which position offers the best advantage to resolving the stop safely.
 1. The secondary officer will stop approximately 10'-15' behind the primary vehicle and as far to the right of the primary vehicle as practical.
 - a. The front wheels of the patrol vehicle will be turned to the right and the headlights turned off.
 - b. The driver of the secondary police vehicle will get out of his vehicle and take a position in the front passenger seat of the primary vehicle keeping the door open with cover provided by the engine block.



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2. If there is enough room to the right of the primary vehicle and there is need for additional illumination of the suspect vehicle, the secondary vehicle will be parked to the right of the primary vehicle with the front bumper of the secondary vehicle even with the front bumper of the primary vehicle (Riverside Stop).
 - a. The front wheels of the secondary vehicle will be turned to the right.
 - b. The headlights of the secondary vehicle and/or the spotlight, and/or takedown lights on the overhead bar may be used to illuminate the suspect vehicle. Only those lights are used which maximize illumination of suspect vehicle while minimizing the effect of backlighting the primary officer.
 - c. The secondary officer will take a position at his own driver's door in the same position as the primary officer.

2-23-06 ADDITIONAL UNIT PROCEDURES

- A. If a third unit is needed to assist with the arrest of the suspect(s), two alternative positions are available, as directed by the secondary officer.
 1. The third officer will position his vehicle to the left of the secondary vehicle if secondary vehicle is parked behind the primary's vehicle with the front wheels angled to the left.
 2. When using this position, the third officer will go around his vehicle to the rear and take a position at the right rear of the primary vehicle.
 3. The third officer will ensure that the lights from his vehicle do not light up the primary officer.
- B. The third officer may position his vehicle to the left of the primary's vehicle, if the Riverside stop is being used, or to the right of the primary's vehicle to set up a Riverside Stop with the front of the vehicle angled toward the suspect vehicle with the front wheels angled to the left. Front bumpers of the third and Primary's vehicle should be even and 10' – 15' apart.
 1. The third officer will take a position at his driver's door, if third officer is setting up the Riverside Stop.
 2. Illumination of the suspect vehicle by the third vehicle is permitted when, in the judgment of the officer, the illumination will not expose the primary officer.
- C. The third officer can take the position in the passenger side of the primary's vehicle if the secondary vehicle has set up the Riverside Stop and is parked to the right of the primary's vehicle. The third officer's vehicle will be parked behind the primary's vehicle with their head lights off.
- D. If additional units are available, they should be used to block traffic which might enter the stop area or to provide additional manpower to the arrest team.

The assignment of additional police vehicles and officers is the responsibility of the secondary officer unless otherwise directed by a supervisor.



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2-23-07 REMOVING SUSPECTS

The following two descriptions of removal procedures are the preferred tactics but may be modified as circumstances and events dictate.

1. Suspects will be directed to exit the vehicle from the left side (driver's side), one at a time. Additional suspects in the vehicle will be told to remain in the vehicle until directed to exit.
 - a. After exiting, the suspects may be told to turn slowly in a circle (360 degrees) to enable officers to visually check for weapons.
 - b. Suspects will then be ordered by the primary officer to walk backwards with their hands up toward the primary officer's vehicle. kneel with hands behind their heads or to lie prone with arms outstretched at right angles to their bodies.
 - c. After all occupants of the suspect vehicle have been removed and are prone or kneeling, the primary officer will direct the third officer to check the suspect vehicle to determine if anyone is still inside.
 - d. After the vehicle is checked, the primary officer will direct remaining officers to search and handcuff all occupants. Officers will search and handcuff the occupants one at a time. At least one officer, usually the primary officer, will provide cover for the arresting officers.

2. A second alternative (Riverside Stop) is to remove one suspect at a time out of the driver's side of the suspect's vehicle, order the suspect to raise their hands above their heads and make a 360 degree turn to visually check for weapons, and then order the suspect to raise his/her hands and arms above his/her head and walk backwards towards the patrol vehicles ("walk backwards to the sound of my voice").
 - a. As the suspect nears the patrol vehicles, the primary officer will direct the secondary officer to take control of the suspect. The secondary officer will order the suspect to walk backwards toward the sound of his voice. The secondary officer will order the suspect to their knees on the passenger side of the patrol car, just in front of the front bumper and have suspect cross their ankles and sit back on their ankles. The secondary officer will then handcuff the suspect and escort the suspect to the rear of the patrol car to conduct a full search. After the search, the suspect will be placed in the back of the patrol car. The secondary officer will return to their position and repeat this process until all suspects are in custody.
 - b. Once all visible suspects are secured in the back of the patrol car, the primary officer will direct the secondary officer to clear the suspect vehicle. Once the suspect vehicle is cleared, the secondary officer will signal the primary officer to assist in clearing the trunk of the suspect's vehicle.
 - c. If the secondary officer finds another suspect hiding in the suspect vehicle while clearing the vehicle, the secondary officer will take up position back at the patrol vehicles. The primary officer will order this suspect out of the driver's side of the vehicle and follow the steps listed above.



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- d. If the suspect refuses to come out of the vehicle, it has become a barricaded suspect situation and may need the services of a hostage negotiator, Critical Incident Response Team, K-9 unit or other highly trained personnel.

2-23-08 CONCLUSION OF THE STOP

- A. Officers will use approved and accepted investigative methods to attempt to determine which occupants of the vehicle are subject to being transported to detention.
- B. Officers may release from custody occupants of the vehicle if the information known to all officers does not rise to the level of establishing probable cause that the person committed any crime.
- C. Officers may impound the suspect vehicle for processing in accordance with established procedures.
- D. Officers may search and process the suspect vehicle at the scene of the stop and then release it to the owner when a supervisor authorizes such search and processing. The search is conducted in accordance with procedures for searches and crime scene processing.



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2-24 PURSUIITS

POLICY

OJS officers should make every reasonable effort to stop traffic violators. The protection of life, both civilian and law enforcement, is the foremost concern that governs this policy. Officers must balance the need to stop a suspect against the potential threat to themselves and the public created by a pursuit or apprehension.

DEFINITION

Vehicle Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspect(s) who know that an officer is trying to stop them, and who have given some indication of the intent not to stop or yield. The intent not to stop can be by increasing speed, bypassing traffic control devices, or by other means.

RULES AND PROCEDURES

2-24-01 GENERAL

- A. Use of Unmarked Vehicles in Pursuits.
Unmarked vehicles may be used in pursuits if the fleeing vehicle presents an immediate and direct threat to life or property and no marked vehicle is immediately available, as long as the unmarked vehicle is equipped with emergency lights and siren. As soon as a marked vehicle becomes available, the unmarked vehicle will withdraw from the pursuit and serve in a support role.
- B. Pursuit Training.
All officers who engage in pursuit driving must have successfully completed pursuit or emergency response training as required by the Indian Police Academy (IPA) or a comparable and IPA approved/authorized state or local pursuit driver's training program.
- C. Violation of Traffic Regulations.
Although officers are authorized to violate traffic regulations when responding to emergency situations as permitted by applicable state or tribal code, they are still criminally and civilly responsible for their actions. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens.
- D. Use of Emergency Equipment.
Officers engaged in pursuits must use both audible (siren) and visible (emergency lights) emergency equipment.
- E. Use of Personal Vehicles.
Officers are prohibited from conducting pursuits in their personal vehicles.



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2-24-02 MOTORIST “FAILS TO YIELD”

- A. On occasion, after activating emergency equipment, an officer may encounter a situation where a vehicle he/she is attempting to stop does not immediately yield and pull over. This may be caused due to driver inattention or other factors; roadway conditions, location, etc. The officer may continue to attempt to stop the vehicle, but should advise communications and his/her supervisor of the situation. The officer may consider using tactics such as changing siren tones, flashing the vehicle headlights, etc.
- B. Should the officer perceive that the vehicle driver is beginning to actively attempt to elude the officer and displays any sign of reckless driving, such as accelerating to speeds above the speed limit, running stop lights/signs, weaving hazardously between other vehicles, etc., the officer will acknowledge that the failure to yield has turned into a pursuit and will immediately notify dispatch of the new status. All conditions regarding pursuits listed elsewhere in this directive will then immediately apply. In most instances the officer should discontinue attempting to stop the vehicle, unless pursuit guidelines are applicable.
- C. In every case that a “failure to yield to emergency vehicle” turns into a pursuit, the officer will complete an Incident Report detailing the circumstances and the outcome of the event.

2-24-03 AUTHORIZATION FOR PURSUIT

- A. A vehicle pursuit is a use of force. When an officer elects to use this force, he/she must use the same objective reasonableness standard he/she uses when any force is used in the course of accomplishing police duties.
- B. In any area of their jurisdiction, a law enforcement officer in an authorized emergency vehicle may initiate a vehicle pursuit based on the officer’s perception that:
 - 1. There has been a moving and potentially hazardous traffic offense.
 - 2. A felony has just occurred, or is about to occur.
 - 3. The driver is a violent suspect.
 - 4. The suspect exhibits intention to avoid apprehension by refusing to stop when properly directed to do so.
 - 5. The officer’s reasonable belief that the suspect, if allowed to flee, presents a potential danger to human life, or may cause serious injury.

2-24-04 FACTORS TO CONSIDER BEFORE ENGAGING IN AND WHILE CONTINUING A PURSUIT.

In all areas of the jurisdiction, officers are expected to end their involvement in a pursuit whenever the risks to their own safety or the safety of others outweigh the danger to the community if the suspect is not apprehended. These considerations include, but are not limited to:



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1. Seriousness of the crime,
2. Potential for apprehending the suspect in the pursuit or by other means,
3. Pedestrian and vehicle traffic in the area of the pursuit,
4. Potential risk to citizens using the highway,
5. Current street and traffic conditions, including the presence or absence of traffic control devices,
6. Current weather conditions,
7. Current road conditions, including lighting (visibility),
8. Risk to the public if the suspect escapes,
9. Known identity of the suspect or means to ascertain the suspect's identity and immediately apprehend the suspect,
10. The manner in which the driver of the fleeing vehicle is driving, including:
 - a. Speeds being driven,
 - b. Regard for other traffic,
 - c. Regard and observance of traffic control signs and devices,
 - d. Driver's control of the fleeing vehicle,
 - e. Type and condition of fleeing vehicle, and
 - f. Age of the suspect, if known.

2-24-05 ACTIONS DURING A PURSUIT

- A. Immediately upon initiating a pursuit, the officer in the primary unit will notify dispatch of the following items.
 1. Officers will identify themselves and provide information on location, speed, direction of travel, and vehicle description, including license number if known.
 2. Crime(s) that occupant(s) of the fleeing vehicle are believed to have committed,
 3. Number and description of occupants,
 4. Information on weapons, and
 5. Traffic conditions.
- B. The primary function of a secondary unit while the pursuit is in progress is to move into position and assume the communications responsibilities.
- C. The secondary unit, or monitoring supervisor, will coordinate the activities of other assisting units. The support units will not participate in the actual pursuit, but assist by providing traffic control, vehicle stopping methods, and as resources for the aftermath of the vehicle pursuit termination, i.e., high risk stop, search for suspects fleeing on foot, crime scene security, traffic control at termination point, etc.
- D. Dispatch will notify the on-duty supervisor of the pursuit. The supervisor will monitor the pursuit while moving in the general direction of the pursuit route.
 1. The supervisor is ultimately responsible for terminating the pursuit or allowing it to continue.
 2. The supervisor will continually weigh the risks based on information being received from dispatch and the pursuing units.



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3. The supervisor will immediately terminate the pursuit when:
 - a. The pursuit is not in compliance with the requirements of this section,
 - b. The supervisor must judge the risk created by the continuation of the pursuit to the public, the officers, or the suspects, to be greater than the risk created to the public by the suspect's escape or delay in capture.

E. All officers must immediately terminate a pursuit when advised to do so by:

1. A supervisor of any jurisdiction the pursuit has entered,
2. Officers in either the primary or secondary unit.

2-24-06 GUIDELINES FOR PURSUITS

- A. No set of guidelines can address all possible circumstances. As a result, officers are expected to evaluate their actions based on whether the potential benefits of their actions outweigh the risks that are involved. If officers take actions outside these guidelines:
 1. They do so with the authorization of a supervisor or senior officer,
 2. They articulate the reasons for their actions and
 3. These actions will be evaluated based on the totality of the conditions.
- B. Officers may not ram, bump, or collide with a fleeing vehicle nor pull alongside the vehicle to force it off the roadway. These actions may only be approved by a supervisor when deadly force is necessary to terminate the pursuit.
- C. Officers involved in a pursuit will not attempt to pass other field units unless specifically authorized by the primary unit or a supervisor.
- D. Officers involved in a pursuit will maintain proper spacing between vehicles to allow proper braking and reaction time in the event that the lead vehicle stops, turns, or slows.
- E. Pursuits are limited to two police vehicles, a primary and secondary unit. Additional units may participate if directed by the supervisor or senior officer on duty.
- F. Officers may only fire their weapons at the vehicle's driver and/or passenger(s) when deadly force is being used against the officers or another by the vehicle's driver or passenger(s). Fire should be directed at the specific individual(s) in the vehicle only after it is determined they are using deadly force and after considering the potential for hitting the target, considering the speeds of the vehicles. Firearms will not be used to disable or attempt to disable a fleeing vehicle.
- G. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to his/her safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, the officer must discontinue pursuit.



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- H. If person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer will stop, give his/her location, and continue efforts to apprehend on foot. The back-up car, or second police vehicle, will be dispatched in close proximity to offer assistance.
- I. The pursuing officer will terminate the pursuit when he/she loses sight of the fleeing vehicle for any extended period of time.

2-24-07 ROADBLOCKS

- A. A law enforcement roadblock is the intentional obstruction of a roadway in order to slow down or stop traffic. All Roadblocks must be approved by the Chief of Police or on-duty supervisor. Roadblocks include but are not limited to the following:
 - 1. Public safety roadblock. Used to check for driver's licenses and registration, drug interdiction. See LE Handbook Section 8-03.
 - 2. Sobriety Checkpoint. Used to determine whether a driver is under the influence of alcohol or drugs, etc. See LE Handbook Section 2-27-02.
 - 3. Fleeing felon roadblock. Used to apprehend suspected fleeing felons whose escape poses a danger to life. This type of roadblock should be considered as a last resort.
 - 4. Pursuit roadblock. Used when officers are in active pursuit of a suspect.
- B. Only in the case of suspected fleeing felons whose escape poses a danger to life may officers, as a last resort, set up a fleeing felon or pursuit roadblock.
- C. Only the Chief of Police or the on-duty supervisor may authorize use of a fleeing felon or pursuit roadblock. Use of this type of roadblock is only authorized in those situations in which the use of deadly force is justified.
- D. The decision to erect or implement a fleeing felon or pursuit roadblock must consider:
 - 1. The safety of the officers.
 - 2. The risk of physical injury to the occupants of the pursued vehicle.
 - 3. The protection of citizens and their property.
 - 4. Be clearly visible at a distance sufficient to enable approaching vehicles to stop safely.
 - 5. Have marked police units with emergency lights activated.
 - 6. Render an avenue of escape.
- E. A stationary public safety, sobriety checkpoint roadblock must:
 - 1. Consider the safety of the officers and the protection of citizens and their property.
 - 2. Only be initiated after the appropriate operations plan has been approved.
 - 3. Be clearly visible at a distance sufficient to enable approaching vehicles to stop safely.
 - 4. Have marked police units with emergency lights activated.
 - 5. Render an avenue of escape.



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F. The officer in charge of the roadblock will notify the dispatcher of its precise location.

2-24-08 USE OF PURSUIT CONTROL DEVICES

- A. Officers must have received approved IPA training in the use of the BIA-OJS authorized tire deflation device before being issued and approved to use the device.
- B. Use of any tire deflation device should be considered a road block in itself, and is a valuable tool which can be used either singularly or in conjunction with a road block. These devices will be considered as the first roadblock option if at all possible and will be used in accordance with established OJS training guidelines and policy.
- C. Because the use of tire deflating devices is considered a roadblock, only the Chief of Police or a supervisor can authorize their use. The suspect must be a dangerous fleeing felon (see LE Handbook Section 2-24-07 B.).
- D. After receiving authorization, officers must alert dispatch of their intention to use a tire deflation device and of their exact location prior to use. Dispatch will relay the location to the pursuing officers.
- E. Before deploying a tire deflation device, officers must consider:
1. That the circumstances of each pursuit are very different, but safety is always the most important factor. Suspects can abruptly swerve, stop, or otherwise maneuver their vehicle in an unexpected manner while attempting to avoid a tire deflation device.
 2. The need to always plan ahead for pursuits in your area. Determine the most suitable, and safest, locations for deployment. Then, when a pursuit is necessary, you can proceed to one of these preplanned locations or direct other officers to where they can best deploy a tire deflation device.
 3. Officers should be prepared to find substantial cover in the location, such as a large tree, guard rail, or other object or sufficient structure capable of stopping an approaching vehicle. **Patrol vehicles are not adequate cover.**
 4. Always avoid deploying a tire deflation device in locations or situations that limit the ability of the fleeing suspect to safely maneuver their vehicle. These situations can endanger you, other officers, the public, and the suspect.
 5. A tire deflation device is designed for a controlled release of air from the target vehicle's tires, usually within 20-30 seconds. However, under some circumstances tire deflation can increase the possibility that a driver may lose control of the vehicle and crash, resulting in serious or fatal injuries. Never deploy a tire deflation device if you believe the location or circumstances of your pursuit make it unsafe to do so.
 6. Limit traffic on the roadway. Whenever possible, limit or isolate traffic from the pursuit or location where a tire deflation device is being deployed.
 7. Restrict pedestrians. Never deploy a tire deflation device with pedestrians in the immediate vicinity.
 8. A tire deflation device will not be used on any vehicle with less than 4 tires.



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9. Try to deploy the tire deflation device at the last possible moment, so that a suspect has limited ability to avoid striking the device by driving the vehicle to either side of the device.
 10. Only deploy a tire deflation device after you have identified a safe location to observe the pursuit.
 11. Always move to a safe location after deploying the tire deflation device.
- F. For best performance, deploy on dry, hard surfaces such as concrete or blacktop. A tire deflation device may fail to puncture the tires of a target vehicle on soft, loose materials such as dirt or gravel roads or wet surfaces.
- G. Always advise pursuing units when and where a tire deflation device is being deployed.
- H. Never wrap the cord around your hand or any portion of your body.
- I. Never rush a deployment. Allow enough time to correctly deploy the tire deflation device. As you pull them into the road, turn to watch where you are going and retreat to a safe location.
- J. Always use caution when removing the tire deflation device from the road. Do not enter the roadway if pursuing vehicles have not passed. Handle carefully; as the tire deflation device may break open exposing sharp spikes after being struck by a vehicle.

2-24-09 PURSUITS-BEYOND JURISDICTION OR INITIATED BY ANOTHER AGENCY

- A. A pursuit may extend beyond the reservation line, but primary control of the pursuit must be relinquished as soon as practical to police personnel of the entered jurisdiction if their policy allows them to enter the pursuit.
- B. The following guidelines govern joining a pursuit initiated by another jurisdiction:
1. Officers must follow LE Handbook Section 2-24-02, Authorization for Pursuit.
 2. An officer may participate in a pursuit initiated by another jurisdiction to assist with officer safety concerns but should request that the pursuit be terminated if conditions pose a safety hazard.
 3. OJS officers will discontinue pursuits initiated by another jurisdiction when the pursuit continues outside their jurisdiction, unless officer safety becomes a consideration.
- C. Regardless of the location of the pursuit, or the lead agency, officers will act consistent with the procedures and guidelines established in this directive.
- D. When accompanied by civilian passengers, officers may not engage in a pursuit. If a civilian is in the police vehicle at the beginning of a pursuit, the officer will turn the pursuit over to another officer, or leave the civilian at a safe location.



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- E. If the violator enters a one-way street against the flow of traffic, or enters a major highway or intersection freeway by proceeding along an exit ramp, the pursuing officer will not follow the violator. The officer will advise communications of the vehicle's location, speed, and direction of travel.

2-24-10 POST PURSUIT OPERATIONS

- A. When a decision is made to terminate a pursuit, officers will continue efforts to identify, locate, and apprehend the suspect.
- B. When a pursuit is terminated because the fleeing vehicle stops, officers will make contact using high risk stop tactics.
- C. Responsibility for investigating crimes committed by any occupants of the fleeing vehicle is coordinated by the supervisors of the involved jurisdictions.
- D. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer will take the arrested person before a judicial officer of that jurisdiction. The officer will go before the judge serving the reservation to obtain a warrant and ensure that appropriate documentation is sent to the apprehending jurisdiction as soon as possible, to ensure continued custody of the suspect.
- E. When the fleeing suspect is apprehended within the reservation, the officer will take the arrested person before the appropriate judicial officer serving that reservation. The on-duty supervisor will confer with the other jurisdiction to determine which jurisdiction will maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by the respective judge.
- F. The primary and secondary units are responsible for preparing an incident report detailing all aspects of the pursuit and the elements constituting use of force. Supervisors are responsible for insuring these incident reports are complete.
 - 1. The documentation will be completed any time a vehicle flees whether or not a pursuit is initiated.
 - 2. Incident reports are filed and maintained indefinitely by IMARS.
 - 3. The Special Agent in Charge may request periodic reports with statistics on pursuits and their aftermath.
- G. The Chief of Police or Supervisory LEO or designee will conduct a debriefing of the pursuit within five days to determine if the pursuit was conducted in compliance with the requirements of this directive.
- H. The Chief of Police will conduct an annual analysis of all Pursuit incident reports and submit his/her findings in writing with the Annual Agency Report to the District SAC.



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2-25 IN-CAR VIDEO

POLICY

The Office of Justice Services shall utilize an in-car video system which shall be known as the car video system (CVS) whenever available. The CVS records video and audio accounts of events as they occur. This system may corroborate an officer's testimony but will not be used independently as evidence.

2-25-01 THE CVS SYSTEM

A. The CVS consists of:

1. a miniature color video camera mounted next to the rear view mirror that is capable of rotating 180 degrees which allows for recording within the police vehicle,
2. a small video recording unit mounted in the trunk, in a crush proof, environmentally controlled box, which is secured providing access by supervisor only,
3. a remote microphone worn by the officer which records conversations, and
4. a monitor mounted inside the vehicle that can be used for monitoring while the CVS is in operation, and for playback of recorded incidents.

B. Although the CVS will be utilized to primarily video record impaired driving offenses, it is also a valuable investigative aid in the documentation of various other circumstances, including:

1. video recording traffic offenses,
2. video recording crash scenes,
3. enhancing note taking and report writing,
4. video recording arrests,
5. recording statements taken from witnesses or suspects, for use by field training officers as a training aid,
6. enhancing officer safety and professionalism during violator contacts, and
7. recording other types of incidents officers encounter during the performance of their duties.

2-25-02 TRAINING

Officers using the CVS must be properly trained. The training will be provided by one of the following resources: The Indian Police Academy, field training officers, or the vendor providing the CVS.



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2-25-03 OPERATING PROCEDURES:

Officers shall adhere to the following procedures when utilizing the CVS:

1. At the beginning of each shift, officers using the CVS shall ensure there is adequate recording media for video recording, and that the system is fully operational, based on training guidelines.
2. If the CVS equipment is not fully operational, any malfunction shall be brought to the attention of the officer's immediate supervisor.
3. The CVS will automatically activate when the vehicle is started.
4. Where possible, officers shall verify that the CVS is operating in order to record traffic stops or other enforcement actions. In doing so, they will ensure that:
 - a. the video camera is properly positioned and adjusted to record events;
 - b. the wireless microphone is activated in order to provide audio with the video recording;
 - c. the CVS recording is not deactivated until the enforcement action is completed.
5. When exiting the police vehicle where citizen contact is anticipated, officers will be sure the wireless microphone is on their person and is activated.
6. Officers shall not remove or replace the video media during their shift unless the media is full and then only with supervisory approval.
7. Officers will not manipulate or disable the original configuration of the CVS. If a CVS is tampered with, disciplinary action will be taken.
8. It is recommended when stopping vehicles, that officers inform violators they are being recorded on video recording. This forewarns persons they are being recorded, and can assist in the prevention of any unnecessary arguments or confrontations.

2-25-04 RECORDING MEDIA MANAGEMENT AND CONTROL:

- A. Each agency shall assign a supervisor to manage the CVS system. The CVS uses video media. It will be the responsibility of each agency to maintain an adequate supply of video media for their own use. A log book shall be maintained by each agency to track all media which will be utilized as evidence.
- B. If officers record an event involving a criminal charge, or an event which may require corroboration or further investigation from an outside entity such as the Internal Affairs Division, the media shall be submitted as evidence along with an incident report describing the incident in question. The incident will be entered into the IMARS system.



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- C. If an incident is recorded that does not result in criminal charges, such as a traffic violation, the individual officer's supervisor will make the decision whether to submit the media for court purposes or not. The individual officer's supervisor may also submit any media containing an event which may result in a complaint being lodged against the officer. In this case, the officer should notify his supervisor of the incident and submit an incident report with the media as soon as possible.
- D. If an officer records any event they feel may be beneficial for training purposes, they shall advise their supervisor. A copy of the media may then be provided to the Indian Police Academy for their evaluation and possible use as a training aid.

2-25-05 EQUIPMENT MAINTENANCE:

CVS equipped vehicles that require repairs to the video system will be reported immediately to the officer's supervisor. Repairs will be scheduled as soon as possible. Each agency is responsible for maintaining an adequate supply of nine-volt batteries for use in the wireless microphones.

2-25-06 ADVANCES IN DIGITAL TECHNOLOGY

- A. It is anticipated that advances in digital technology will bring about changes in the type of equipment used in the Car Video System. Compact discs and hard drives may replace video cassettes, etc. In all cases, officers will follow manufacturers' guidelines to ensure proper collection of evidence from the CVS equipment.
- B. In every case, proper handling of recorded media will be maintained following preservation and security of evidence procedures.



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2-26 TRAFFIC CONTROL AND DIRECTION

POLICY

It is the policy of OJS to ensure that all full-service law enforcement agencies perform traffic control functions. This includes; manual traffic control, emergency assistance, and information to motorists; identifying and reporting hazards and the removal of abandoned and stolen vehicles.

RULES AND PROCEDURES

2-26-01 TRAFFIC CONTROL

Any personnel directing traffic or in the roadway controlling traffic will wear reflective clothing at all times. At a minimum, this will consist of a reflective vest.

A. Hand Signals for Manual Traffic Control

1. Stopping Traffic.
 - a. Point at traffic you want to stop.
 - b. Establish eye contact with driver(s).
 - c. Raise hand with palm facing drivers to stop.
 - d. Hold position until all traffic stops.
 - e. Move head and maintain contact with drivers in all directions.
2. Starting Traffic.
 - a. Turn sideways to traffic to be started.
 - b. Point at traffic you want to start.
 - c. Establish eye contact with driver.
 - d. With palm up, hand open, swing arm upward toward chin. Bend arm at elbow only.
 - e. Start traffic one direction at a time.
 - f. Use this motion to keep traffic moving.
3. Turning Movements (Right or Left).
 - a. Point at traffic you want to turn.
 - b. Establish eye contact with driver.
 - c. With swinging motion, move arm in the direction you want driver to go.
 - d. Point in direction until vehicle starts turn.

B. Whistle

1. One long blast.
Used along with hand signal to stop traffic.
2. Two short blasts.
Used with hand signal (start motion) to start traffic.
3. Several short blasts.
Used to get drivers attention.



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C. Flashlight

1. Stopping Traffic.
 - a. Hold light at arm's length and slowly swing light across path of approaching vehicle.
 - b. Do not shine light in driver's eye.
 - c. Do not stand directly in front of approaching vehicle.
 - d. As motorist stops, move light up and give arm signal for stopping traffic.
2. Starting Traffic.

Using light to assist, use same movement as for starting traffic with hand signals.

D. Voice Commands

Voice commands are seldom used because of misinterpretation and confusion. If used, be sure that motorist understands what is expected.

E. Manual Operation of Traffic Control Devices

Manual operation of traffic control devices is permitted:

1. When traffic lights malfunction.
2. To facilitate movement at traffic crashes or other emergencies.
3. To provide a thoroughfare for a motorcade or funeral procession.
4. To alleviate congestion resulting from use of automatic controls particularly during planned, special events.

2-26-02 SPECIAL EVENT TRAFFIC CONTROL

A. For any special event, the Chief of Police will ensure the preparation and implementation of a special traffic plan that addresses:

1. Ingress and egress of vehicles and pedestrians,
2. Provisions for parking, and spectator control,
3. Public transportation,
4. Assignment of point control duties and relief's;
5. alternate traffic routing,
6. Temporary traffic controls and parking prohibitions,
7. Emergency vehicle access, and
8. Appropriate media coverage of such plans.

B. Officers responding to the scene of a fire call will ensure observance of the following rules:

1. No vehicles, except properly identified firemen, will be allowed into the block where fire apparatus is parked and operating.
2. No vehicles will cross fire hoses without approval of the fire chief.



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3. In case of fires at a facility such as a hospital or jail, no vehicles except properly identified fire vehicles will be allowed on the grounds.
4. The exception to the rules above will be life-saving vehicles on actual calls for service.
5. Vehicles that are parked which interfere with fire operations may be towed as needed.

C. Officers control of traffic during adverse road and weather conditions.

1. The Chief of Police will notify tribal officials, public works, and the fire department of adverse road conditions that may affect the motoring public.
2. The Chief of Police may close a street if, in his opinion, the surface conditions and terrain is unusually hazardous. The COP may request public works assistance in alleviating the problem and request that public service radio announcements are made concerning the closure.
3. The Chief of Police may request that dispatchers notify the proper utility company and assign officers to direct traffic and safeguard movement at the scene of all downed power lines, broken gas or water mains or at construction sites, when the situation endangers the safe movement of traffic.

2-26-03 TRAFFIC ANCILLARY SERVICES

A. Stranded or Disabled Motorists:

1. Officers will provide reasonable assistance to motorists.
 - a. This may include requesting that the dispatcher call wreckers or obtain other services as needed.
 - b. Time and duty permitting, the officers may assist stranded and disabled motorists to obtain fuel and repairs, but officers are not required or authorized to perform the repairs personally.
2. Under normal circumstances, police vehicles may not be used to jump-start or push non-governmental owned vehicles.
3. Officers will direct motorists who are low on gas to the nearest station.
 - a. If completely out of gas and no stations are open, the officer may provide the minimal amount of gasoline needed to get the motorist to the nearest open gas station.
 - b. Officers will note any gas used for this purpose on the officer's daily activity report.
4. Officers are aware of possible dangers to motorists who are stranded in isolated areas and hazardous locations on the highway, and will take steps to reduce these threats by transporting motorists to safer locations or setting out flares to warn other motorists.
5. If the officer must leave the scene before the arrival of requested assistance, he/she will request that another unit check by the area and provide assistance or protection.



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6. Officers must be familiar with their area and be able to provide directions to various locations within the patrol area.

B. Highway Emergencies.

Officers arriving at the scene of any highway emergency will request that the dispatcher obtain necessary services and then provide emergency first aid, fire suppression, and additional assistance as the situation requires, pending arrival of appropriate emergency services.

C. Emergency Escorts.

1. Officers will not provide escort to other emergency vehicles or private citizens.
2. Officers may direct traffic at intersections to expedite the movement of other emergency vehicles.
3. Any special escort, such as dignitary or funeral escorts must be authorized by the Agency Chief of Police.

D. Reporting Road Hazards and Debris:

1. An officer locating hazardous debris in the roadway will remove it or request that the dispatcher notify public works to have it removed from the road to a safe location. Officers who observe highway defects will request that dispatch report them to public works.
2. When necessary, temporary traffic control devices such as warning lights and/or barricades may be requested. If warning lights or barricades are necessary, the officer shall remain at the scene to alert drivers and provide traffic direction when necessary, until the condition has been corrected and/or the warning lights or barricades have been placed at the scene.
3. Requests or suggestions for additional or new highway safety features will be forwarded through the chain of command to the Chief of Police who will forward the request to the appropriate department or agency, if the situation warrants. These requests will specify the services/actions requested and the location.



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2-27 DUI ENFORCEMENT

POLICY

To reduce alcohol and drug related traffic offenses and deaths in Indian country, OJS uses personnel that are trained and skilled in identifying persons violating appropriate State and Tribal DUI laws.

RULES AND PROCEDURES

2-27-01 FIELD SOBRIETY TESTS

- A. If an officer has probable cause to contact a driver, based on an observable traffic violation, and the driver appears to be under the influence of alcohol or drugs, the officer will administer a minimum of two field sobriety tests from the following standardized list of field sobriety tests. Additional field sobriety tests may be approved, by the Chief of Police as long as the officer is trained in administering the test(s) and the test(s) are recognized by the court(s) having jurisdiction.
 1. Horizontal gaze nystagmus (if certified).
 2. Walk and turn.
 3. One leg stand.
- B. Conducting field sobriety tests on persons who appear to be extremely intoxicated should be done in such a manner that provides maximum safety for the individual. Some tests may be inappropriate when the potential of falling or injury is possible (e.g. walk and turn, one leg stand).
- C. If the driver fails the roadside tests, the officer may request that the operator take a breath test in the field, using a portable breath-testing device (PBT), if available. The physical nature of the roadway and weather conditions may require that the officer select an alternate location for performing field sobriety tests.
 1. The driver may refuse the breath test, and the officer must advise the driver of his right to refuse.
 2. The officer will comply with the requirements of applicable state or tribal code regarding the enforcement action taken at this time.
- D. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs or drugs alone, he/she may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples will be analyzed by the appropriate laboratory for evidence for alcohol and for various illegal, prescription, and over-the-counter drugs.
- E. Based on the failure of the field sobriety tests, the officer may require that the driver take a breath test at another location. The driver will be placed in custody and transported to the location where the breath-testing equipment is located.



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2-27-02 SOBRIETY CHECKPOINTS

- A. Prior to deploying resources at a sobriety checkpoint, the responsible supervisor will develop a plan for its operation. The plan will consider the following factors:
1. The design of the checkpoint satisfies any applicable federal, state, or tribal legal requirements.
 2. The checkpoint is designed in such a way as to minimize the amount of intrusion or inconvenience to motorists.
 3. The design of the checkpoint ensures the safety of the general public as well as the officers involved.
 4. The site selected for the checkpoint is based on relevant data.
 5. A process is in place to provide public information and education on the DUI problem.
 6. A method for the collection of data that will allow for an objective analysis of the impact of the checkpoint program.
 7. Selection of officers will be based on their experience and training as it relates to DUI enforcement.
- B. The responsible supervisor will submit the plan to the Chief of Police or Special Agent in Charge for review and approval.
- C. The responsible supervisor will select a site based on the following types of objective data:
1. The checkpoint location allows for the safe flow of traffic through the checkpoint.
 2. The posted speed limits, traffic volume, and visibility of the site.
 3. Sufficient adjoining space is available to pull vehicles off the traveled portion of the highways and perform roadside tests on the drivers.
 4. Sufficient lighting is available in and around the checkpoint. If permanent lighting is unavailable, the responsible supervisor will ensure that portable lighting is provided.
- D. The responsible supervisor will select a checkpoint location that allows a motorist who wishes to avoid the checkpoint to legally turn before entering the checkpoint area.
1. A motorist who turns before entering the checkpoint will only be stopped and contacted if probable cause exists to take such action.
 2. The act of avoiding a sobriety checkpoint does not constitute grounds for a stop.
- E. Prior to implementing a checkpoint, the responsible supervisor will ensure that announcements have been sent to local media advising the public that a sobriety checkpoint will be conducted.
- F. The responsible supervisor will ensure that the checkpoint is designed in a way that sufficiently warns motorists of the upcoming sobriety checkpoint.



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1. Equipment for constructing these warnings may include, but is not limited to:
 - a. Warning signs placed in advance of the checkpoint.
 - b. Flares or similar devices.
 - c. Safety cones or similar devices.
 - d. Permanent or portable lighting.
 - e. Marked patrol vehicle.
 2. The use, placement, and types of traffic control devices will comply with agency procedures and applicable federal, state, local, or tribal laws or transportation codes.
- G. All participating officers will be briefed and receive a copy of the operations plan prior to being deployed at the checkpoint.
Officers will be advised of the purpose of the checkpoint, the reason for the site's selection, and specific assignments and duties.
- H. Officers will be provided with instructions as to the systematic sequence selected to stop vehicles, i.e., every third car through the checkpoint will be stopped.
1. At no time will a random stop be used.
 2. If the chosen sequence creates an unanticipated traffic problem, the responsible supervisor will select a new sequence.
- I. Officers contacting stopped motorists will make the following statement: "Good evening. You have been stopped in an effort to detect and deter the impaired driver. Have you consumed any alcohol or controlled substance today?"
1. If the driver's answer is "no" and there are no other compelling reasons to detain the driver, the officer will permit the vehicle to proceed.
 2. If the driver's answer is "yes", the officer will ask how much and when. Depending on the answers and other circumstances, i.e., detectable signs of alcohol or drug impairment, the officer will decide if further investigation is warranted:
 - a. If so, the officer will direct the driver out of the vehicle and escort the driver to the area designated for roadside tests.
 - b. The officer will arrange for the vehicle to be moved, if necessary, so that it does not impede the flow of traffic.
- J. The driver of each stopped vehicle detained or not, will receive educational pamphlets, occupant protection information, and an effectiveness survey questionnaire.
- K. Drivers will be arrested, and processed, consistent with this section if the tests indicate that there is probable cause to believe the driver is impaired or under the influence of alcohol or drugs.
- L. Motorists will be permitted to proceed if the tests indicate that they are not legally impaired or under the influence of alcohol or drugs.



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- M. Searches of a motor vehicle, driver or passengers will be conducted when legally permissible and in compliance with agency procedures.
- N. Following the checkpoint, the responsible supervisor will complete an evaluation report. Data in the report will include, but is not limited to:
 - 1. Number of vehicles passing through the checkpoint.
 - 2. Number of motorists detained for field sobriety testing.
 - 3. Average time delay for motorists.
 - 4. Number and type of arrests.
 - 5. Documentation of unusual incidents.
 - 6. Reaction of the public to the sobriety checkpoint.
- O. The Chief of Police or designee will maintain sobriety checkpoint operations plans and post operations reports.

2-27-03 DUI ARRESTS

- A. The Chief of Police or Special Agent in Charge will ensure that officers comply with the applicable state or tribal code re: implied consent and all other aspects of DUI arrests.
- B. Miranda warnings are not required before the driver takes sobriety tests, or otherwise before questioning.
- C. The officer will make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.
- D. Vehicles operated by individuals placed under arrest may be turned over to a passenger in the vehicle, providing the passenger is not under the influence of alcohol or drugs. If no responsible party is available to take the vehicle, it will be towed.

2-27-04 BREATH TESTING EQUIPMENT

- A. The Chief of Police will designate one employee to be responsible for the agency's breath testing equipment.
- B. The breath-testing equipment will be used and maintained consistent with state law, tribal code, and certification requirements.
- C. The type of equipment and the methods used to perform breath analysis will be in accordance with applicable state and tribal code.
- D. The Chief of Police will ensure that all officers and supervisors are trained in the use of the available breath testing equipment and that all appropriate certifications are maintained.



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- E. Officers will know in advance the location of breath testing equipment that can be used.
1. If the agency uses breath-testing equipment that belongs to another law enforcement agency, the Chief of Police will identify these locations and ensure that officers are aware of procedures for their use.
 2. The Chief of Police or Special Agent in Charge will arrange for this use through memoranda of agreement or understanding.



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2-30 DOMESTIC VIOLENCE

POLICY

Law enforcement officers will respond as soon as possible to reports of domestic violence to render aid to victims and provide them with referral services. When required by applicable statute or when appropriate, offenders will be taken into custody.

RULES AND PROCEDURES

2-30-01 GENERAL

- A. The Chief of Police or Supervisory Special Agent or designee will keep and update a listing of protection orders indicating effective dates for the orders and restrictions. The listing will be posted in an area that is readily accessible to officers and dispatchers. All protection orders filed at the police agency will be entered into the designated local or regional database.
- B. Officers presented with protection orders issued by a foreign or outside jurisdiction will be enforced.
- C. Court Contact Information
The Chief of Police or Supervisory Special Agent will maintain a contact list of nearby courts that issue orders of protection, their regular and emergency telephone contacts, whether information regarding these officers is available through any electronic media, and how this media can be accessed.
- D. Emergency Shelters
The Chief of Police or Supervisory Special Agent will make available to officers and dispatchers, the name, business address, telephone number, and telephone contact information of all emergency shelters and programs providing services to victims of domestic violence. At no time shall the location of emergency shelters be released to any unauthorized personnel or to the general public.
- E. Officers will contact the Victim Services Program representative.

2-30-02 INITIAL POLICE OFFICER RESPONSE

- A. The responding officer will approach the scene of a domestic dispute as a high-risk call. Whenever possible, two officers will respond to a domestic call.
- B. The officer will obtain all available information from the dispatcher before arriving at the scene and will notify the dispatcher upon arrival.



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- C. The officer will avoid the use of sirens and emergency lights in the vicinity of the scene of the incident. Sirens and lights can be used when speed is essential.
- D. The officer will not park the police vehicle directly in front of the residence or other site of the disturbance. The officer will be alert for assailants leaving the scene and for the employment of weapons from doors, windows, or nearby vehicles.
- E. The responding officer will identify himself/herself as a police officer, explain his presence, and request entry into the home. The officer will ask to see the person who is the subject of the call. If the person who called the police is someone other than the subject of the call, the officer will not reveal the caller's name.
 - 1. The officer may enter and conduct a search of the premises relevant to the incident if consent has been given to do so.
 - 2. If refused entry, the officer will be persistent about seeing and speaking alone with the subject of the call.
 - 3. If access to the subject is refused, the officer will request that the dispatcher contact the caller if the caller is the subject of the call.
 - 4. If access is still refused, the officer must decide whether to leave, remain and observe, or force entry.
 - a. If the officer leaves the scene, he/she will drive by and observe the scene frequently.
 - b. If the officer remains to observe, he/she will move to public property (the street) and observe the premises.
 - c. In some circumstances, forced entry will be necessary and appropriate.
 - d. Officers may also enter without a warrant to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist based on an evaluation of the following elements:
 - 1). The degree of urgency involved and the time required to get a warrant,
 - 2). The possibility of danger to others, including police officers left to secure the site,
 - 3). Whether the suspected offense is serious or involves violence,
 - 4). Whether officers reasonably believe that persons may be armed.
 - 5). Officers have a lawful right to investigate any situation that they might reasonably believe to be an emergency.
- F. Once inside, the responding officer should establish control by:
 - 1. Conducting a security sweep of the area for potential weapons or assailants,
 - 2. Separating the victim and assailant,
 - 3. Restraining the assailant if necessary, and removing the assailant to the patrol car if immediate arrest is warranted.
 - 4. Assessing injuries (including inquiry about possible internal injuries), administering first aid, and/or notifying emergency medical services,
 - 5. Inquiring about the nature of the dispute,
 - 6. Identifying all occupants/witnesses on the premises, and
 - 7. Separating occupants/witnesses from the victim and accused, and keeping them out of sight or sound of each other (to avoid compromising their status).



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- G. The responding officer will begin the on-scene investigation by interviewing the victim and the assailant as fully as circumstances allow. The officer will remain alert to possible incriminating statements.
- H. The officer will ensure the victim's safety and privacy by interviewing the victim in an area apart from the assailant, witnesses, and bystanders.
 - 1. In questioning the victim, the officer will use supportive interview techniques.
 - 2. The officer will ask the victim about previous domestic incidents, their frequency, and severity.
 - 3. The officer will not tell the victim what action he/she intends to take until all available information has been collected.
- I. If the accused has been arrested prior to interview, the accused must be given Miranda warnings before being questioned. If the accused has fled the scene, the officer will solicit information as to the possible whereabouts of the accused (place of employment, relatives, friends, etc.). If the officer works in a jurisdiction with mandatory arrest requirements, the officer will make an attempt to locate and arrest the accused immediately.
- J. If the dispatcher has not advised the officer of the existence of a protection order, the officer will ask the victim:
 - 1. Whether there is such an order,
 - 2. If there is, if the victim can produce a copy, and
 - 3. What police department might have a copy?
- K. The officer will contact the tribal court's listing of protection orders (restraining orders), and, if directed by the victim, the county where the reservation is located (if appropriate) and determine if an order exists.
 - 1. Officers will enforce any protection order issued by an outside or foreign jurisdiction per Title 18 U.S.C. 2265(a) Full Faith and Credit.
 - 2. The officer should note carefully the restrictions imposed by the order so that the officer may determine whether there is probable cause to believe that the order has been violated.
- L. An officer may make an arrest without verifying the existence of a protection order if they reasonably believe an order exists.
- M. The officer will interview any witnesses as fully and as soon as circumstances allow. If witnesses provide information about prior incidents, the officer will document such incidents to establish a pattern.

Children will be interviewed in a manner appropriate to the child's age. Signs of trauma and any apparent healing of abuse wounds on the child will be noted by the officer. The officer will then comply with 2-31, Child Abuse, and Neglect procedures.



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- N. The officer will collect and preserve all physical evidence reasonably necessary to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack (weapons, torn clothing etc.), and evidence recording the crime scene. The officer will ensure that photographs are taken of visible injuries on the victim and of the crime scene. Note: A consent to search or a warrant may be required if there are not exigent circumstances. All physical evidence will be collected, noted in reports, and vouchered as in other criminal investigations.
- O. The officer will encourage the victim to seek an emergency room examination. Emergency room pictures are excellent evidence of injuries. The officer will inquire about injuries of the victim that are concealed by clothing or otherwise not readily apparent. Also, because bruises may not appear for several days after an assault, the officer will advise the victim to contact the police for photographs if injuries appear at a later time, and, if possible, the officer will revisit the victim if there is reason to suspect that such evidence of injury indeed may later appear.

2-30-04 THE ARREST DECISION

- A. The responding officer will arrest the assailant in every situation where mandatory arrest statutes exist and whenever arrest is appropriate. If the officer decides not to arrest, he/she must include in his report of the incident a detailed explanation of the reasons why an arrest was not made.
- B. Arrest is authorized in the following circumstances:
1. When the officer has probable cause to believe that the suspect has committed a felony.
 2. When the officer observes the commission of a felony or a misdemeanor.
 3. When the officer has probable cause to believe that the suspect has committed a domestic violence misdemeanor as specified in appropriate tribal law, which authorizes an arrest without a warrant or when the officer observes recent physical injury or other corroborative evidence, and the victim is included in the definition of "covered relationships". A domestic violence misdemeanor may not have to be committed in the officer's presence based on tribal law, or adopted state or federal statutes.
 4. When the officer has probable cause to believe that the suspect has violated a valid protection from abuse order. The violation need not have occurred in the officer's presence, and no corroborative evidence is required.
 5. When a misdemeanor not identified above has been committed and the officer has obtained an arrest warrant.



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C. Officers will not consider the following factors in making an arrest:

1. The marital status of the parties.
2. The ownership or tenancy rights of either party.
3. Verbal assurances that the violence will stop.
4. A claim by the accused that the victim provoked or perpetuated the violence
5. Denial by either party that the abuse occurred when there is evidence of domestic violence.
6. Speculation that the victim will not follow through or cooperate with criminal prosecution (whether based on prior incidents involving the same victim, the victim's hesitancy about pursuing prosecution, or any other factor).
7. The disposition of any previous police calls involving the same victim or accused.
8. Speculation that the arrest may not lead to a conviction.
9. The existence or not of a current protection from abuse order (except in so far as the violation of such an order might justify arrest).
10. The victim's emotional state.
11. Concern about reprisals against the victim.
12. Adverse financial consequences that might result from the arrest.
13. That the incident occurred in a private place.
14. The racial, cultural, social, political, or professional position, or the sexual orientation, of either the victim or the accused.

D. It is the officer's responsibility to decide whether an arrest should be made. The officer, therefore, will not consider the victim's opposition to arrest and will emphasize to the victim, and to the accused as well, that the criminal action thus initiated is the federal, state, or tribe's action, not the victim's action.

1. If there is evidence of mutual battering, and the officer concludes that one party was acting in self-defense, that party will not be arrested.
2. If there is evidence of mutual battering, and the officer concludes that only one party was the primary aggressor, the officer will arrest only that party.

E. If the officer arrests the suspect for the commission of a crime, the officer will confiscate all weapons used or threatened to be used in the commission of the crime and will voucher the weapons as evidence for prosecution.

F. If the officer arrests the suspect for violation of a protection order, the officer will confiscate all weapons used or threatened to be used in the violation and will voucher the weapons as evidence.



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2-30-05 MAKING THE ARREST

- A. The responding officer will take the accused into custody as soon as the officer determines that an arrest without a warrant is appropriate.
 - 1. If the suspect has fled the scene, the officer will initiate procedures to pursue and apprehend the accused as promptly as possible, since the risk is high in domestic violence cases that the accused will return to the victim's residence or the scene of the violence.
 - 2. If a warrant is necessary, the officer will obtain and execute the warrant as soon as practical.
- B. When the accused is a minor (under 18 years of age), the provisions of this protocol are fully applicable, except that arrest is executed and the juvenile processed pursuant to the juvenile code for that tribe or Bureau policy.
- C. If, upon examination of the accused, the responding officer determines that a voluntary or involuntary commitment to a mental health facility is required, the officer will contact a mental health representative. The officer will not allow the possibility of mental illness to preclude a valid criminal arrest.
- D. Officers will request that an appropriate supervisor respond to the scene in domestic disturbances involving prominent citizens, public officials, or police officers. The responding officer will take whatever action is necessary to protect the victim and detain the assailant, while awaiting the arrival of the supervisor. When there is probable cause to believe that the accused has committed a crime, the procedure followed upon arrival of the supervisor should be the same as it would be in any other domestic incident.

2-30-06 PROCEDURE WHEN ARREST IS NOT AUTHORIZED OR, IF AUTHORIZED, AN ARREST IS NOT MADE

- A. If an arrest is not authorized because the abusive act is a summary offense, the responding officer should issue a citation.
- B. If an arrest is not authorized because of the absence of probable cause to believe that a crime was committed, or if an arrest is authorized but not made for reasons detailed in the incident report, the officer:
 - 1. Will explain to the victim the reasons that arrest is not being made,
 - 2. Will advise the victim of procedures for filing a private criminal complaint, and
 - 3. Will encourage the victim to contact the domestic violence program, described in 2-30-07 *On-Scene and Immediate Assistance to Victims and Dependents* procedure included in this section, for information regarding counseling and other services available to victims of domestic violence.
- C. The officer will not become involved in the disposition of personal property, whose ownership is in dispute. In the absence of a warrant or probable cause to believe a crime has occurred, the officer will remain neutral and will be concerned primarily with maintaining the peace and safety of those present.



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2-30-07 ON-SCENE AND IMMEDIATE ASSISTANCE TO VICTIMS AND DEPENDENTS

- A. Whether or not an arrest is made, the responding officer will not leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated. The officer will stand by while victims gather necessities for short-term absences from home, such as clothing, medication, and necessary documents.
- B. Whether or not an arrest is made, the responding officer must notify the victim, either orally or in writing, of the availability of a shelter, including its telephone number, or other services in the community. The notice must include the following statement:
- “If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from abuse pursuant to (*cite appropriate tribal code*) which would include the following:
1. An order restraining the abuser from further acts of abuse.
 2. An order directing the abuser to leave your household.
 3. An order preventing the abuser from entering your residence, school, business, or place of employment.
 4. An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
 5. An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”
- C. If an arrest is made or an arrest warrant obtained, the officer:
1. Will advise the victim that the officer will give the victim's name, address, and telephone number to the domestic violence program and proceed to do so before the officer's shift has ended,
 2. Will advise the victim that a domestic violence counselor will be asked to contact the victim to offer assistance and referrals to other available services (such as counseling, legal aid, etc.),
 3. Will advise the victim of what procedure will happen next, including the probability that the accused will be in custody for only a short period of time,
 4. Will obtain an address and telephone number where the victim can be contacted if the victim decides to leave the residence (being careful that the accused cannot overhear),
 5. Will obtain from the victim information to be included in the arrest report indicating any special conditions that should be heard at the preliminary arraignment, and
 6. Will provide the victim with the police incident number (if available), the officer's name and badge number, and a follow-up telephone number.
- D. If the victim does not speak English, the officer should arrange for translation of the foregoing notices and advice.
- E. In circumstances in which it is necessary for the victim to temporarily leave the residence, the officer will offer the victim assistance in locating lodging with family, friends, in public accommodations, or at a domestic violence shelter.



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- F. The officer, upon request of the victim, will provide or help to arrange transportation to emergency housing or to a medical facility.
- G. If the accused is arrested and is the sole caretaker of a child, and/or if the victim is the sole caretaker of a child and can no longer provide care (as, for example, when the victim is hospitalized), the officer will determine whether there is a responsible adult relative who can care for the child and, if so, will contact that relative and await the relative's arrival. If no responsible adult is available, the officer will contact child protective services and remain at the residence until a protective service worker arrives or take the child into protective custody in accordance with appropriate tribal law.

2-30-08 PROCESSING THE ACCUSED

- A. A person arrested without a warrant for a domestic violence misdemeanor pursuant to tribal law will be charged with any other crimes properly charged as a result of the incident. Likewise, a person arrested for a violation of a protection from abuse order will be charged with any crimes properly charged as a result of the incident in which the violation occurred.
- B. When an arrest is made as a result of a tribal domestic violence misdemeanor, or for violation of a protection order, the accused will be taken before a tribal judge for preliminary arraignment without unnecessary delay.
- C. The officer responsible for presenting the accused for preliminary arraignment will bring to the attention of the prosecuting attorney or the court any circumstances noted in the arrest report or known to the officer arguing that special conditions of bail be authorized. Such conditions may include but are not limited to:
 - 1. Directing the defendant from abusing, harassing, or intimidating the victim,
 - 2. Excluding the defendant from the home, school, and/or workplace of the victim,
 - 3. Warning the defendant against contacting the victim in person or by telephone, restraining the defendant from contact that will prevent the victim from performing normal daily activities.

2-30-09 WRITTEN REPORT AND DATA COLLECTION

- A. All reports and other documents generated in the case should be marked "domestic incident" as an aid to processing the accused and to identify such cases.
- B. The officer responding to domestic violence calls will complete a written report that includes the following information:
 - 1. Names, addresses, and phone numbers of the victim, the accused, any witnesses, and the caller,
 - 2. A second permanent address and telephone number for the victim (such as a close family member or a friend),
 - 3. A statement of the relationship between the victim and the accused,



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4. A narrative of the incident (including the date, time, and whether the accused appeared intoxicated or under the influence of a controlled substance),
5. What, if any, weapons were used or threatened to be used,
6. A description of any injuries observed by the officer,
7. A description of any injuries described by the victim but not observed by the officer and an indication that the injury was not observed,
8. Documentation of any evidence that would tend to establish that a crime was committed,
9. An indication of what arrest decision was made, i.e., a warrant less arrest, an arrest with a warrant, or no arrest,
10. Whether the accused actually was arrested or whether there is an outstanding arrest warrant,
11. The crimes with which the accused was charged,
12. If the accused was arrested and arraigned, whether the bail was set and any conditions of bail imposed,
13. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest,
14. The names and ages of any children present in the household; their address and phone number if children were relocated,
15. Notation of previous incidents of which the officer is personally aware,
16. Notation of previous incidents reported by the victim or witnesses, and
17. If an officer was injured in the incident, the nature and circumstances of the injury will be documented.

C. Officers will not suggest or accept victim's waiver of prosecution documents.



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2-31 CHILD ABUSE AND NEGLECT (INCLUDING REPORTING HOTLINE)

POLICY

It is the policy of OJS to respond immediately to all reports of child abuse and/or neglect. OJS maintains a Reporting Hotline **(1-800-633-5155)** so that alleged neglect/abuse can be reported.

RULES AND PROCEDURES

2-31-01 GENERAL INFORMATION

- A. Primacy of Applicable Law. This section establishes guidelines for investigating child abuse and neglect allegations, including child sexual abuse and investigations which involve multiple victims or multiple suspects. There is considerable variation in law regarding child abuse. These guidelines are intended to be consistent with applicable law. If inconsistencies are found, applicable Federal, state or tribal law prevails. All law enforcement officers must be knowledgeable of the mandates of Public Law 101-630, the Indian Child Protection and Family Violence Protection Act, (November 28, 1990) and any other applicable tribal, local, state, and Federal law or rules and regulations which apply to their jurisdictions.
- B. The purposes of this section are to:
 1. Require that law enforcement officers report abuse of Indian children in an effort to prevent further abuse, and
 2. Authorize such law enforcement actions as are necessary to ensure effective child protection in Indian country.
- C. All law enforcement officers must be trained in preliminary child abuse investigative techniques including, but not limited to identification, preliminary investigation, initial report taking/referral, and risk assessment.
- D. All law enforcement agency employees are obliged to report immediately all known or suspected child abuse incidents.
- E. Mandated Reporters of Suspected Child Abuse.

The following professionals working on Federal land, or in a Federally-operated or contracted facility in which children are cared for or reside, are required to report suspected child abuse to an investigative agency designated to receive and investigate such reports.

 1. Physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists,
 2. podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, and persons performing a healing role or practicing the healing arts.



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3. Psychologists, psychiatrists, and mental health professionals.
4. Social workers, licensed or unlicensed marriage counselors, and individual counselors.
5. Teachers, teacher's aides or assistants, school counselors and guidance personnel, school officials, and school administrators.
6. Child care workers and administrators.
7. Law enforcement personnel, probation officers, criminal prosecutors, and juvenile rehabilitation or detention facility employees.
8. Foster parents.
9. Commercial film and photo processors.

2-31-02 THE VICTIMS OF CHILD ABUSE ACT OF 1990 (VCAA)

- A. Every officer, investigator, and prosecutor will take necessary and valid action to reduce the trauma to the child victim caused by the criminal justice system while at the same time increasing the successful prosecution of child abuse offenders.
- B. Investigating/Interviewing of Child Victims.
 1. Reporting and investigating of suspected cases of child abuse.
 - a. Pursuant to Sec 226, subtitle D, VCAA, certain Departmental professionals working on federal land, or in a federally-operated or contracted facility, in which children are cared for or reside, are required to report suspected child abuse through local law enforcement to the FBI.
 - b. The OJS or FBI will designate the specific agency to receive and investigate reports of suspected child abuse.
 - c. The OJS local law enforcement will ensure that allegations of child abuse, serious physical injury, or life threatening neglect of a child are promptly investigated. If warranted, a physician will refer a child victim for a medical examination with expertise in forensic examinations.
 - d. The primary officer will complete a written 960 or incident report and have the report delivered to Social Services that same day. Appropriate Tribal officials will also be notified.
 2. Referral to Law Enforcement
 - a. When such reports are received by social services or health care agencies, and involve allegations of sexual abuse, serious physical injury or life-threatening neglect of a child, there shall be an immediate referral of the report to the local law enforcement unit with the authority to take emergency action to protect the child. Law enforcement officers are authorized to take emergency action to protect the child when they receive from social service or health care agencies reports of child abuse, which involve allegations of sexual abuse, serious physical injury, or life threatening neglect of a child.



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- b. Officers will promptly investigate all reports received, and whenever appropriate, conduct the investigation jointly with social services personnel (or multi-disciplinary team) with a view toward avoiding multiple interviews with the child.

C. Child Abuse Reporting in Indian country.

1. A separate statute, the Indian Child Protection and Family Violence Act, P.L. 101-630 (November 28, 1990), governs reporting of child abuse in Indian country. Pursuant to its provisions, certain professionals are required to report suspected child abuse to the "local law enforcement agency". These terms are defined to mean the Federal, State or tribal agency that has the primary responsibility for child protection or the investigation of child abuse within the portion of the Indian country involved.
2. Furthermore, where the report indicates the victim or abuser is an Indian and a preliminary inquiry indicates a criminal violation has occurred, the local law enforcement agency, if other than the Federal Bureau of Investigation, must report the occurrence immediately to the Federal Bureau of Investigation.
3. The statute also provides that a covered professional who, while working on federal land or in a federally-operated (or contracted) facility in which children are cared for or reside, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, but fails to report, is guilty of a Class B misdemeanor. (18 USC 2258 and 18 USC 1169)

2-31-03 INITIAL REPORT AND JURISDICTIONAL ISSUES

- A. It is the responsibility of the receiving agency (child protective services or police) to immediately determine the risk to the child and priority of action needed. Based on determination or priority, the receiving agency will notify the other agency, using a standardized child abuse reporting form either:
 1. Immediately for cases of imminent risk, or
 2. The same day.
- B. The law enforcement agency having criminal jurisdiction over the location of the alleged offense and the alleged offender will conduct the child abuse investigation. In the absence of jurisdiction, the police department receiving the initial child abuse referral will take the information and immediately forward such information to the police department with jurisdiction, preferably using a standardized form used by both child protective services and police.
- C. Felony cases of child abuse will be referred immediately to the appropriate local law enforcement investigative agency, such as the tribal, BIA or FBI investigator.
- D. In cases in which the abuse occurred in another jurisdiction, the receiving agency will take the initial report and then immediately refer that information to the appropriate police agency.



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- E. Questions regarding appropriate police jurisdiction will be referred to the local tribal, state, or U.S. Attorney's Office for resolution.
- F. Assigned District and Agency law enforcement officers will participate in Local Child Protection Teams and Multi Discipline Teams.

2-31-04 INITIAL INVESTIGATION OF CHILD ABUSE

- A. The radio communications officer or any law enforcement officer receiving the initial allegation must decide if the child is in imminent danger (due to injury, or threat thereof, or abandonment, etc.) and initiate law enforcement action to investigate immediately, if it is reasonable to believe that the child may be in imminent danger.
- B. A law enforcement officer will be sent to the scene to do a preliminary investigation.
- C. If appropriate, the local child protective services agency and/or a law enforcement officer will be notified to conduct a follow-up investigation. Joint investigations are more effective and will always be encouraged.
- D. The responding law enforcement officer will obtain the following information from the complainant and any other information which substantiates the allegation and which may assist in a follow-up investigation by the local child protective services agency or tribal, BIA or FBI investigators:
 - 1. Identifying information, especially the name, age, and location of the child, and directions to the home or the child's present location.
 - 2. The caller's name, address, and telephone number, relationship to the family, and willingness to give additional information and assistance. Do not refuse to take anonymous reports if the reporter cannot be convinced to give his/her identity.
 - 3. Child/family's primary form of communication, including language and any special or handicapping conditions of the child or family which may cause a need for assistance in the investigation, such as hearing impaired or developmental disability.
 - 4. Answers to the following questions:
 - a. Why the report is being made at this time?
 - b. What is the caller's motivation for calling?
 - c. Were previous reports made, or does the reporter have knowledge of previous incidents?
 - 5. Present conditions of the child, whether there are other children at risk, and if there is a protective person available?
 - 6. Possible witnesses to the event or to the child's condition.
 - 7. The source of the caller's information. Is it first hand or otherwise?
 - 8. A clear and detailed description of what was seen, heard, or learned about the abuse or neglect with dates, times, and places as nearly as possible.
 - 9. Has the abuse/neglect been discussed with non-offending guardian(s)? What was their response? Do they know a report is being made?



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10. Determine if there are other professionals or agencies that know the child/family.
 11. Other forms of deviant behavior in the household, including family violence, drug/alcohol abuse or other criminal behavior.
 12. Who else lives or may be found in the household, and what is their relationship to the child?
 13. Location and identity of the suspect, even if not a parent or primary care provider.
- E. Responsible investigators, ideally CPS and law enforcement, will rely on their professional judgment and the priorities established by the local child protection team to make a determination of the priority for action.
1. Priority action is determined by the observed harm or potential for harm, physical or psychological, to the child.
 2. How quickly a response should occur includes consideration of all factors constituting significant risk of harm to a child, including, but not limited to:
 - a. Age of the child,
 - b. Ability to protect or care for self,
 - c. Severity of reported abuse or neglect,
 - d. Location of physical injury/handicap,
 - e. Physical conditions of the dwelling unit,
 - f. Access of the suspect to the child, and
 - g. The availability of a responsible person to temporarily help or intervene.
 3. An immediate response may be required based upon information obtained from the reporting person, the priority factors noted in E 2 above, and a determination that the following emergency reports criteria including, but not limited to, exist:
 - a. A young child left unsupervised for any period of time to the extent that the child's immediate needs go unmet, including a child left in the care of another child too young to be protective, and a child left inadequately supervised for long periods of time or when engaged in dangerous activities. A child under age 12 should be closely considered for police response under this action.
 - b. Serious physical injuries are those that cause or create a substantial risk of death, disfigurement, or substantial impairment. Include any major injuries such as fractures, subdural hematoma, dislocation, sprains, internal injuries, burns, or scalding. Injuries such as welts, bruises, lacerations, and abrasions should be included if they are extensive or inflicted on an infant, particularly those injuries to the head.
 - c. Infants subjected to vigorous shaking - when the law enforcement officer has reason to believe that an infant has sustained this type of injury it is advisable to seek immediate medical diagnosis because injuries are difficult to see visibly, but may be extremely severe. Diagnosis and treatment is imperative and may be the difference between life and death.



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- d. Serious illness includes a life-threatening medical condition of a child, including suicidal ideation, for which a parent is unwilling/unable to obtain medical advice/treatment, including those illnesses resulting from parental abuse or maltreatment. These include, but are not limited to, failure to thrive, malnutrition, dehydration, poisoning of ingestion or substance, and newborn drug/alcohol withdrawal when the infant is not hospitalized.
 - e. Cruel, unconscionable, intimidating or terrorizing acts or statements, including severe or unusual punishment such as burning or scalding, twisting of limbs, severe restraints as a means of punishment, and inappropriate punishment such as spanking an infant or child especially where evidence of old injuries are present.
 - f. Sexual abuse complaint where the suspect is still present in the child's environment and/or has access to the child, particularly those cases in which the suspect is aware that a disclosure has been made.
 - g. Cases where the police have conducted an armed entry into a suspected drug manufacturing or dealing location, and the environment or the potential for violence creates an immediate risk to the safety of the child in the household.
 - h. Any case where domestic violence, other violence, or law enforcement contact has created an immediate risk to safety of a child in a household.
 - i. No child should be excluded from immediate attention if circumstances appear to warrant it, even if the emergency factors do not apply.
5. Cases requiring SIR notification of Special Agent in Charge, Office of Justice Services, include but are not limited to:
 - a. Incidents resulting in the death of a child.
 - b. Cases involving multiple victims.
 - c. Allegations of "cover-ups".
 - d. Tribal leaders or Agency Superintendent involved as suspects or in a cover-up.
 - e. Cases involving child abuse/injury/staff misconduct to a child in a foster care, group care facility, or institutional placement (BIA, state or tribal).
 - f. Cases in which a child was injured in a BIA operated or tribally contracted school facility.
 - g. Allegation of any law enforcement officer wrongdoing in the handling of the case.
 6. If the preliminary inquiry indicates a criminal violation has occurred, law enforcement officers will report the occurrence to the FBI, tribal police or other local authorities.



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2-31-05 OBTAINING ASSISTANCE IN COMPLEX CHILD ABUSE AND NEGLECT INVESTIGATIONS

- A. The Chief of Police or Special Agent in Charge may request assistance in the investigation of child abuse and neglect cases if there are indications that the case(s) merits special investigative resources or skills, such as cases which involve complex and extensive incidents, political sensitivity, travel considerations, involvement of public/school officials, extensive surveillance needs, multiple perpetrators or victims, etc.
- B. Before making the referral, the Chief of Police or Special Agent in Charge will consider the following factors:
1. Resolving facts or evidence:
 - a. Conflicting testimonies and/or misleading information,
 - b. Cooperation of the subject and/or witnesses,
 - c. Legal problems or issues,
 - d. Problems of reconstruction or analysis of evidence,
 - e. Unusual investigative techniques to be employed,
 - f. Availability of leads and evidence.
 2. Subjects of the investigation:
 - a. Number of alleged perpetrators and victims,
 - b. Location of alleged perpetrators and victims,
 - c. Credibility of victims.
 3. Separate investigative matters:
 - a. Number of different potential criminal charges,
 - b. Potential spin-off and related cases.
 - c. Number of separate schemes or conspiracies,
 - d. Number of perpetrators, victims, and witnesses that must be interviewed.
 4. Establishing facts and evidence:
 - a. Geographic scope of the investigation,
 - b. Precedent setting policy or investigative problems,
 - c. Need for special investigative or technical equipment,
 5. Sensitivity of information:
 - a. Consideration of the political, social, or economic impacts of the investigation,
 - b. Effect of premature knowledge of the investigation of the suspect, victim, and witnesses,
 - c. Degree of control of the suspect over investigative matters,
 - d. How widely the suspect is known,
 - e. Involvement of political figures, governmental or tribal employees, or law enforcement corruption.
- C. If the decision is to request special assistance, the Special Agent in Charge will make the request in writing, through the Deputy Associate Director, OJS. In an emergency, the Special Agent in Charge will make the request by telephone, followed by a written request.



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- D. The Chief of Police or Special Agent in Charge will include a complete case report, typed for proper referral, which contains the following information, with the written request for assistance:
1. Name and address of the alleged offender(s) with personal identifiers,
 2. Name and address of the victim(s),
 3. The alleged offense(s),
 4. The location and date of the alleged offense,
 5. A description of all evidence collected and its location,
 6. Facts of the case,
 7. Names of witnesses, and
 8. Interviews and statements that were obtained by the officer who conducted the initial investigation.
- E. The Chief of Police or Special Agent in Charge will assign the case to an investigator for a pre-investigative evaluation to gather additional information.
- F. Within three days of assignment and every week thereafter until the case has been concluded, the investigator will submit a written report to the Chief of Police or Special Agent in Charge, giving the status of the case.
- G. The assigned investigator assisting the local law enforcement agency will work with and coordinate his investigation through the special agent or other designated law enforcement official.
- H. The investigator will provide a copy of each status report submitted to the Chief of Police or Special Agent in Charge, and the Final Disposition Report, to the local law enforcement agency and to the supervisory Special Agent in whose jurisdiction the alleged offense was committed.

2-31-06 CONDUCTING A CHILD ABUSE/NEGLECT INVESTIGATION

- A. Investigations shall be approached as though they will ultimately result in criminal prosecution, bearing in mind the best interests and needs of the child.
- B. Officers will comply with the following deadlines:
1. Within 24 hours of receipt of an alleged child abuse or neglect incident, the law enforcement officer will notify the following:
 - a. Local child protection services agency.
 - b. Area Personnel Officer, if a BIA employee is involved.
 - c. Alleged perpetrator's supervisor, if the perpetrator's position places him in routine contact or control over children, unless the law enforcement officer has reasonable cause to believe that notification of the supervisor will cause destruction of evidence, intimidation of victims or witnesses or otherwise impair the investigation,



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- 1) A supervisor advised of an incident will be instructed to keep all such reports strictly confidential and to release such information only after consulting with the Area Personnel Officer.
 - 2) Law enforcement officers who make such a determination must submit their reasons, in writing, to their next line supervisor.
2. Within 36 hours after receiving an initial report of child abuse or report of actions that would reasonably be expected to result in the abuse of a child in Indian country, the law enforcement officer must prepare a written report of the initial findings of the initial investigation. The report will include all of the elements in the Standard Child Abuse Report, as defined in this section.
 - a. Reports will be prepared for all alleged incidents, including those which are unfounded, founded, or suspected.
 - b. If the report does not contain all of the information required by the Standard Child Abuse Report, the officer will include an explanation of why a good faith attempt was not successful in procuring the information required.
 - c. Law enforcement officers will share the information contained on the Standardized Child Abuse Report with the local child protective services agency.
 3. Within 72 hours, law enforcement personnel must initiate and complete the preliminary investigation.
 - a. The preliminary investigation determines:
 - 1) Whether the victim is in a life-threatening situation,
 - 2) Whether action must be taken to safeguard evidence,
 - 3) Whether child abuse or neglect victims must be removed from the environment, and
 - 4) What interim action should be initiated against the alleged perpetrator.
 - b. The preliminary investigation is not intended to be a complete investigation. However, it should include the following elements:
 - 1) If there is a possibility of destruction of physical evidence, all necessary actions must be taken to safeguard the evidence.
 - 2) In cases of sexual or physical assault that have occurred recently, the child must receive an immediate medical examination. The law enforcement official will ensure that the medical examination is completed.
 4. Law enforcement supervisors will track all misdemeanor and felony investigations to ensure cases are properly pursued. Open cases will be reviewed at least weekly.
 5. In cases that exceed a 45-day investigative period, the reason for the extension will be documented in the investigative report. The reason for extending the investigation beyond 30 days will be relayed to other involved agencies and law enforcement officers and the referral documented.
 6. Within a reasonable time after closing a case, a detailed report on whether the allegations are resolved (status of case - is it open or closed) must be sent to the proper reporting authority. The proper reporting authorities are the Chief of Police for agencies, the Supervisory Special Agents for the Criminal Investigation Units, and the Special Agent in Charge or other supervisors as directed.



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7. Other officials that may receive such information are the local child protective service agency, the tribal CPS, the Area Personnel Officer if a BIA employee is involved, and the alleged BIA employee's supervisor.
- C. Law enforcement officers will consider the following in determining the investigative strategy to be used:
1. Avoiding unnecessary duplication of victim interviews through joint investigative interviews with the appropriate CPS agency.
 2. Preserving physical evidence.
 3. Evaluating the effect of the disclosure upon the victim (another reason for joint interviews).
 4. Determining logistics of victim, witness, and suspect interviews, e.g., time, place, order, etc.
 5. Assessing the supportiveness of the people interacting with the child.
 6. Intervening for the child's immediate protection.
 7. Unless necessary to protect the child's safety or preserve evidence in the case, scheduling interviews to avoid disruption to the greatest degree possible (e.g., naps, mealtimes, school).
- D. Law enforcement officers have the following responsibilities while conducting the investigation:
1. Prior to arrival at the scene, obtain all pertinent information from the radio communications officer or other law enforcement officer who received the allegation.
 2. At the time of initial contact:
 - a. If the law enforcement officer suspects child abuse, he/she will explain his/her role in ensuring the health and safety of the child.
 - b. If entry to the home is refused and the officer believes entry is necessary, he/she may gain entry in one of several ways:
 - 1) In a non-emergency, obtain a court order or search warrant.
 - 2) In an emergency, forced entry without a warrant is legal when there is probable cause to believe that a child is in imminent danger.
 3. The officer will immediately ensure the safety of the child.
 - a. Summon an ambulance or administer first aid, if necessary.
 - b. Reassure the child that he/she is safe now and that he/she has done nothing wrong.
 4. Transport the child victim to a safe place if necessary. This may include a hospital or other shelter for further investigation.
 5. If the child is a victim of sexual assault appropriate sexual assault investigation guidelines described in this section will be followed.
- E. If a fatality has occurred:
1. All suspicious deaths and child homicides are investigated at the direction of the U.S. Attorney's Office and are treated as homicides.



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2. In all cases in which a child is the victim of a suspicious death or a homicide, law enforcement officers will immediately notify the U.S. Attorney's Office and the appropriate local criminal investigative agency.
3. In cases in which other children reside in the home of the deceased child victim, law enforcement officers will notify the U.S. Attorney's Office and local child protective services agency simultaneously so that the homicide investigation can be coordinated with consideration for child protection issues.
4. Interviews with the children residing in the home of the deceased child victim will only be conducted as part of the homicide investigation.

2-31-08 TAKING A CHILD INTO PROTECTIVE CUSTODY

- A. Law enforcement officers are expected in every case to conduct an assessment of the need for protective custody and to take the necessary steps to assure the safety of the child during and following an investigation.
- B. If any of the following circumstances exist, law enforcement officers may take a child into custody and, if these circumstances exist, officers will assess if they should do so:
 1. When, if the child were an adult, the child could be arrested without a warrant, or
 2. When the child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare, or
 3. When ordered by a court to take the child into custody.
- C. Whenever possible, the decision to take a child into protective custody will be a joint determination of the responsible law enforcement officers and CPS using their professional judgment. When one or more of the following factors is present, protective custody is appropriate in any case in which the child's physical or psychological safety cannot be assured in the environment where he/she is found, including but not limited to situations in which:
 1. The suspect cannot be separated from the child's environment and presents a continuing risk to the child.
 2. A non-offending guardian is unwilling or unable to protect the child from contact or further harm from the suspect.
 3. The risk in a hazardous environment cannot be effectively reduced, and/or
 4. The child would be subjected to substantial emotional trauma that cannot be prevented.
- D. Law enforcement officers will contact CPS on all cases. Local child protective services will determine if a child is in need of protection that he/she cannot or is not getting at home.



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1. If the officer is unable to reach CPS to make this determination, the law enforcement officer is expected to evaluate the parent's or guardian's ability to protect the child from continued abuse or neglect using one or more of the following criteria:
 - a. The present or potential maltreatment in the home,
 - b. Evidence of abuse, torture, or neglect by the parent/guardian,
 - c. The parent or guardian's refusal to obtain needed medical or psychological care of the child,
 - d. Parental anger and discomfort directed toward the child as a result of investigative efforts.
 - e. Evidence that the parent or guardian cannot provide for the child's basic needs, i.e., food, shelter, protection from harm.
 - f. There is a history of prior offenses/allegations in which the child is the victim.
 2. Law enforcement officers will place a high priority on coordinating and communicating with the child protective service agencies involved in the child victim's care and bear in mind the fact that CPS cannot remove a child unless given that authority, but that they can accept emergency care and supervision from law enforcement.
- E. In inter-familial cases, every effort will be made to remove the alleged perpetrator from the home.
- F. When the decision has been made to remove a child from a care provider's custody, the law enforcement officers and CPS will attempt to determine whether there is a responsible relative available to assume care of the child.
1. Placements with responsible relatives are preferable to other placement possibilities. Law enforcement officers and CPS will make reasonable efforts to secure safe placements with relatives and to re-establish the relationship between a non-offending guardian and the victim.
 2. Law enforcement officers and CPS will determine the appropriateness of placement with a relative using the criteria that are listed in C. above. Law enforcement officers will pay particular attention to whether the relative is willing and able to protect the child, and whether the relative is likely to apply pressure to the child regarding disclosures the child has made.

2-31-09 INTERVIEWING THE VICTIM

- A. Child victims require special treatment. To minimize trauma and the number of times the child will have to tell his story, interviewers will coordinate with other applicable agencies and officers so that the interview may be conducted properly, be videotaped, audio taped, or conducted in a facility designed for that purpose such as a children's safe house or child advocacy center.



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- B. Law enforcement officers will use age-appropriate interview techniques and tools to facilitate communication with the child consistent with legally accepted standards to determine developmental status.
- C. Prior to conducting the interview, interviewers will identify if special needs exist such as:
1. Interpreter for non-English speaking or speech/hearing impaired victims.
 2. Disclosure previously made to another person and clear need is noted for his presence.
 3. A supportive person to be present during the interview for the child's emotional comfort (e.g. non-offending parent or child advocate) or CPS worker.
- D. Interviews should occur in a safe, non-threatening environment. If the abuse occurred at home, it is best to interview somewhere else (school, day care, etc.). If you must interview in the home, interview in a "neutral" room.
- E. In any case in which officials of the local law enforcement agency or local child protective services agency have reason to believe that an Indian child has been subject to abuse in Indian country, the officials of those agencies shall be allowed to interview the child without first obtaining the consent of the parent, guardian, or legal custodian. This is consistent with P.L. 101-630, Section 3206, Waiver of Parental Consent which states:
- "Photographs, x-rays, medical examinations, psychological examinations, and interviews of an Indian child alleged to have been subject to abuse in Indian country shall be allowed without parental consent if local child protective services or local law enforcement officials have reason to believe the child has been subject to abuse."
- F. Law enforcement officers will take the following actions when initiating the interview:
1. At the beginning of the interview, law enforcement officers will attempt to gain the child's confidence.
 2. Law enforcement officers will introduce themselves to the child, give the purpose for their presence, and attempt to conduct an interview on an informal, friendly basis with the child.
 3. If the interview is to be video or audio taped, officers will set up all equipment, test, and give information prior to the child entering the room to ease the child's anxiety.
 4. If a child needs something to provide them security during a stressful time they usually will have something they brought from home (i.e., blanket, teddy bear, etc.). The interviewer should refrain from giving the child something during the interview.



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G. Interviewers will consider the following items when interviewing victims of abuse by parents or guardians:

1. The child's age (he/she may be too young to interview, because a child's capacity to deal with information differs from an adult's),
2. Interviewing the child may deteriorate even further the parent-child relationship,
3. Observe and note the child's reactions during the interview,
4. Interviewing the victim of child sexual abuse requires particular skills; if you do not have them refer interview to a trained interviewer.
5. If possible, parents should not be present during the interview of the child if they are a considered a suspect (often the child may be afraid to tell the truth or may appear to be coached by the parents).
6. The law enforcement officer must be sensitive to the emotional stress of the child due to the interview itself (some children may not even understand that the behavior of the parents has been abusive or neglectful).
7. Inform the child of the parent's awareness of the interview.
8. The law enforcement officer should not appear to be taking sides against the parents. Children will generally become defensive if someone criticizes their parents, even if they agree.
9. The interview should be conducted in a language that the child understands.
10. The interview should always include what will happen next and how the law enforcement officer will use the child's information.
11. Provide reassurance to an anxious child victim by expressing an understanding of the child's dilemma.
12. Be careful not to ask leading questions.

H. Interviewers should attempt to obtain the following information:

1. Name, age, DOB, residence, parent or guardian, place of employment, school, grade,
2. Date(s) or time period, location(s), and nature of the abuse in detail,
3. Name of the suspects, witnesses,
4. Description of the suspect, such as hair color, facial hair, glasses, tattoos, or any distinguishing marks, etc.,
5. A measure of the child's developmental ability to relate to the incident,
6. Time(s), date(s) of disclosure and to whom made,
7. Child's present need for protection,
8. Child's present need for immediate medical services,
9. Existence of physical or corroborative evidence, sexual aides, description of room, description of house, time of year, etc.,
10. Child's knowledge of other potential victims, and
11. The following important details of the incident(s):
 - a. Progression of events,
 - b. What the offender said during the molestation, i.e., names for genitals, games, and secrecy-don't tell,
 - c. Where paraphernalia, such as condoms, photographs, cream, vibrators, are kept,
 - d. Threats, gifts, weapons, drug/alcohol used by offender or given to victim,



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- e. Pictures, videos, magazines that were shown to them or taken of them and where they are kept in the house,
 - f. The place where abuse occurred-which house-which room (ask child to draw it),
 - g. Who was present in house when abuse occurred and where were other parties of the household when occurred (ex. gone to the store, at work, etc.).
 - h. Clothes victim and suspect were wearing when abuse occurred.
 - i. If the suspect ejaculated, did he use anything to clean himself, clothing, bed sheets, and if so, where is that item kept.
- I. Interviews with young children should not be lengthy. The interview should be discontinued at the point that the child's ability to maintain attention has been exhausted.
- J. Victim interview closure should include:
1. Positive reinforcement.
 2. Plan for follow-up.
 3. Permission to re-establish contact with interviewers.
 4. A brief explanation of what comes next and/or future court system involvement (e.g. Assistant U.S. Attorney meeting, grand jury, and who is present at grand jury, etc.).
 5. A victim referral card/packet for counseling, crimes victims' compensation, names and telephone numbers of case investigators and child protective service agency, and Federal Victim Witness Coordinator name and telephone number should be made available to the victim as well as other local resource contact numbers.
 6. Discussion of protective procedures.
 7. Addressing the child's concerns regarding the suspect, family unit, placement, etc.
 8. Explain to the child that it was not their fault and that they are not alone.

2-31-10 SUSPECT INTERVIEWS

- A. Law enforcement officers will attempt to interview all suspects.
1. Interviews at the police station or other neutral site are preferred to interviews conducted at the suspect's residence or place of employment.
 2. If parental abuse is suspected, officers will interview each parent separately and will be alert to any apparent vagueness or inconsistencies in the explanations each gives for the allegations. Parents will be told the reason for the interview and will be treated with respect.
- B. The primary objective of the interview is to obtain a court-admissible confession from the suspect.
1. Law enforcement officers will advise the suspect of Miranda Rights at the appropriate time.



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2. Statements should, when possible, be signed by the suspect and, if permissible by the local U.S. Attorney's Office, be tape or video recorded. Statements should include admissions, confessions, detailed denials, provable lies, and other relevant information.

C. Interviewers will seek the following information:

1. Name, age, DOB, address, place of employment,
2. Relationship to victim (i.e., immediate or extended family, other),
3. Suspect's perception of the victim and the victim's credibility,
4. Detailed description of the abuse,
5. Times, dates, and location of the abuse,
6. Mental and physical condition of the suspect,
7. If there is other victim(s),
8. Suspect's motivation to commit the offense,
9. Does the suspect keep a diary, calendar, address book, computer records, etc.?
10. Has the suspect previously been arrested for or convicted of any crime?
11. Have prior accusations been made against the suspect?

D. Law enforcement officers will determine if the suspect should be arrested.

1. In the event that the suspect is cooperative and not a threat to the community, it is preferable that an arrest not be made at that time, but rather after the investigation has been completed and reviewed by the U.S. Attorney's office.
2. An immediate arrest should be made if the suspect poses a continued threat to the victim(s) and the community or is likely to abscond.
 - a. The law enforcement officer will immediately forward all police reports, medical reports and lab reports to the U.S. Attorney's office in an investigative report format, noting the reasons for arrest.
 - b. The U.S. Attorney's office should be notified immediately of this action and should, if at all possible, be consulted prior to the arrest absent exigent circumstances.

E. Law enforcement officers will apprise the suspect of the following:

1. Possible charges and that final charges will be the decision of the U.S. Attorney's office.
2. Expectation of no contact with the victim by the suspect until the investigation is completed.
3. If suspect has an attorney, obtain his or her name.



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2-31-11 WITNESS INTERVIEWS

- A. Law enforcement officers should recognize that the non-offending spouse or care provider is uniquely situated in a child abuse investigation. This person may be a valuable and supportive resource for the child and source of corroborative evidence. Conversely, he/she may be an obstructive barrier to your investigation. The person may be involved in an abuse as a conspirator or one who enables the suspect and may be protective of his interests.
- B. Siblings and other children in the home should be approached as potential witnesses with awareness that they too may be victims, participants, or individuals in need of protective care.
- C. Other sources of information are third party witnesses, neighbors, acquaintances, friends, relatives, school officials, social or child protection workers, and/or medical authorities. It is important that the officer not give any information to the witnesses regarding possible charges that are being considered or any facts revealed by others. Confidentiality should be maintained.
- D. Witnesses may be reluctant to discuss a family member with a law enforcement officer (due to fear of retaliation).
- E. Interviews will attempt to obtain the following information:
 1. Name, age, DOB, address, and place of employment for the purpose of later contact,
 2. Determine witness' relationship to the suspect and victim.
 3. Obtain corroborative information.
- F. Statements should, when possible, be signed by the witness and, if permissible by the local U.S. Attorney's Office, be tape or video recorded.

2-31-12 ARRANGING FOR INTERVIEWS

A. School Locations.

1. Arrangements for law enforcement officers to interview the child will be made through a school administrator, counselor, or other appropriate staff and, when possible, include CPS.
2. The school administrator should provide a place for investigating personnel to conduct the interview on school property.
3. School personnel may be present during the interview with the child at the discretion of investigating personnel.
4. School personnel are not required to notify parents when investigating personnel are questioning a child on school premises regarding child abuse. It is the responsibility of the investigating person to notify the non-offending parent/guardian.



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5. Law enforcement officers will advise school personnel that they are not authorized to reveal to anyone, witness statements, observations, or investigatory information which transpire during an investigation in which they participate.
 6. Officers will conduct interviews in a private, non-threatening environment, free of distractions.
 7. Prior to the interview, the law enforcement officer and school personnel will gather the following necessary information to aid in the interview:
 - a. Family data,
 - b. Social skills and academic skills,
 - c. Noted prior behavior problems
 8. School personnel should escort the child to the interview room and return the child to class.
 - a. Absolute privacy should be provided throughout the interview.
 - b. School personnel should provide an introduction to the law enforcement officer.
 - c. After the interview is completed, school personnel should be available to provide support to the child.
 - d. Contacts with the child should be made in a non-judgmental and reassuring manner.
 9. After the interview, law enforcement officers will take the following actions:
 - a. Discuss the case with the principal and other appropriate staff to the extent necessary to ensure the safety and support of the child.
 - b. Specify who is a danger to the child in the event the suspect should appear at school.
 - c. When available, provide the school with a copy of a
 - d. restraining order, release agreement, juvenile court order, etc.
 - e. Let the school know if the child is to be placed in protective custody.
 - f. Request that school personnel provide support to the child as deemed appropriate.
 - g. Advise school personnel that they should not attempt to re-interview child in regards to the investigation, but request that they notify the law enforcement officer in the event additional investigative information is disclosed by the child.
 - h. Advise school personnel involved in the investigation not to discuss the investigation with other school staff or students.
 - i. Advise school personnel not to discuss the investigation with parent(s) or guardian(s) but to refer inquiries to law enforcement officers.
- B. Child Protective Service Agency**
1. The CPS caseworker and law enforcement officer should coordinate the use of an interviewing facility and equipment (video/audio tape equipment, etc.) for interviews. This may include arrangements with a facility and personnel of a children's safe house/child advocacy center.
 - a. Whenever possible, appointments for use of the interview rooms should be made in advance.
 - b. Interviews should be conducted in a private, non-threatening environment, free of distractions.



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- c. The CPS caseworker will arrange for care of other children in the event a need exists during the interview.
2. The law enforcement officer will inform the adult bringing the child to the office about interview procedures. The beginning of the interview may include the adult to allow for a proper transition at the discretion of the law enforcement officer.
3. Following the interview, the CPS caseworker and law enforcement officer may discuss the investigation with the adult accompanying the child and provide information on referrals for counseling services, medical follow-up, and other support services, as needed.

C. Police Department or Prosecuting Attorney's Office

1. The law enforcement officer will arrange for the interview room in advance and ensure that the room and equipment are ready for use.
2. The law enforcement officer will inform the adult accompanying the child to the office of interview procedures.
3. The beginning of the interview may include the adult to allow for a proper transition.
4. The adult may be present during the interview at the discretion of the law enforcement officer.
5. After the interview, the CPS caseworker/law enforcement officer may discuss the investigation with the adult accompanying the child and provide information on referrals for counseling services, medical follow-up, and other support services, as needed.

D. Other Safe Environments

1. These may include, but are not limited to, a relative's home, neighbor's home, baby-sitter's home, day care facility, physician's office, counselor's office, or church.
2. Prior arrangements should be made for the interview facility.
3. Interviewers will inform all parties of the need for privacy and confidentiality.
4. Interviewers will obtain pertinent information from all parties prior to the interview, and request that they provide introduction/transition to the law enforcement officer.

2-31-13 MEDICAL EXAMINATIONS AND REPORTS

A. Medical examinations of the victim are required in the following emergencies:

1. When the child victim has injuries requiring medical assistance,
2. When a reported sexual assault has occurred within the past 72 hours,
Sexual assaults include incidents of rape, sodomy, penetration with foreign object, and other sexual abuse which by nature of disclosure would lead the investigation to believe an examination is warranted.



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3. Photographs (use of colposcope strongly encouraged) of visible physical injuries, including, but not limited to bruises, burns, welts, and bite marks, as well as any other visible injury, are taken.
 4. Physicians, who are trained in the proper examination techniques and methods of proper evidence preservation, should be selected to do a medical examination, whenever possible.
 - a. Use a rape kit for sexual abuse cases.
 - b. Photographs of trauma, colposcope photographs, blood and semen tests, x-rays, tissue and hair samples, and clothes of the victim are examples of evidence that may result from the medical examination.
- B. Officers are authorized to transport the child for a medical evaluation of physical or sexual abuse if the child is not transported by ambulance, or another responsible adult.
- C. Medical examinations for past injury (prior to 72 hours of last incident) or other medically observable evidence of sexual abuse or physical injury should be completed in cases where the abuse history suggests that such indicators may be present.
- D. Parental consent is **NOT** required prior to collecting evidence (i.e., taking photographs, x-rays, medical examinations, psychological examinations, etc.) and conducting interviews of an Indian child alleged to have been subject to abuse in Indian country.
- E. Examinations and interviews of a child who may have been the subject of abuse will be conducted under such circumstances and with safeguards designed to minimize additional trauma to the child. When time permits, interviews will be conducted with the advice, or under the guidance, of a local social services professional, child psychologist, psychiatrist, or counselor trained in prevention and treatment of childhood trauma and stress.
- F. When a law enforcement agency investigating an allegation of suspected child abuse or sexual abuse requests the victim of the alleged or suspected offense to participate in a medical examination for purposes of the investigation, the examination will be paid for or otherwise provided by the investigating agency at no cost to the victim.
1. Law enforcement officers will be made aware of the payment procedures for their respective jurisdictions upon assignment.
 2. This section does not require a law enforcement agency to bear the costs of treatment for injuries resulting from the alleged offense.
 3. In non-emergency cases, payment for sexual assault examinations provided may also be obtained through other resources.



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- a. The Indian Health Services and contracted health services are the primary service providers for sexual abuse examinations. However, law enforcement officers are expected to be aware of other resources in their service area that can also provide these services.
 - b. When the family has private medical insurance, that insurance may be a resource for payment of examination costs.
 - c. Families receiving public assistance (welfare) have medical coverage through that program.
 - d. CPS, not BIA, may have a limited administrative medical fund that may pay for some medical examinations conducted for child abuse investigation purposes. The use of these funds must have prior approval by the CPS.
4. Medical examinations are necessary for a complete investigation and determination of the facts. The prosecuting attorney's office will not pay for exams that should have otherwise been a part of the initial investigation. That expense is a normal investigative expense.
5. Payment for medical services beyond the sexual assault examination is the responsibility of the patient. State and/or Federal Crime Victim's Compensation and restitution may be available for payment of some medical expenses not related to evidence collection or prosecution.
- G. Law enforcement officers must be familiar with the necessary procedures and medical release forms for their respective jurisdictions to obtain timely medical reports for their investigations.
1. Medical examinations including, but not limited to, sexual assault exams, laboratory results, psychological evaluations, and medical examiner's reports are included with the law enforcement officer's report to the applicable prosecuting attorney.
 2. Law enforcement officers should obtain a narrative statement of the examining physician's medical report that is clearly understandable by non-medical personnel. This statement will be included as part of the investigative report forwarded to the applicable prosecuting attorney.

2-31-14 EVIDENCE COLLECTION

- A. The scene may provide valuable information in corroborating the victim's story, and it may also support motive. Always go to the scene of an alleged crime involving child abuse or sexual abuse. If the site where the abuse took place is known, it will be visited and photographed. The crime scene will also be diagrammed as soon as possible during the investigation in all cases.
- B. Law enforcement officers will apply applicable case law regarding searches.
- C. If a victim or witness makes any mention of pictures or videos or other instrumentalities of the crime, always do a search warrant unless exigent circumstances exist.
1. Consent to search.



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2. Search warrants will be obtained and executed before the suspect has the opportunity to change, hide, or destroy potential evidence.
- D. Law enforcement officers will make a determination as to what physical evidence exists and collect that evidence in order to corroborate victim or witness disclosure.
1. Evidence to be considered may include, but is not limited to, medical evidence, clothing, body fluids, hairs, fibers, implements, diaries, photographs, and recordings (both audio and visual).
 2. Evidence will be properly recorded and preserved.
 - a. In addition to any photographs taken, always photograph seized items, location of items when seized, and the crime scene.
 - b. Provide for proper crime laboratory analysis.
 - c. Retain evidence as potential court displays.
 3. A monitored/recorded phone call, may be used to elicit a confession or admission from the suspect at the early stage of an investigation, but will not be used as a replacement for other investigative techniques.
 - a. Preliminary considerations.
 - 1) Cannot be used if suspect has already been contacted by the police and invoked his/her right to an attorney.
 - 2) Person making the phone call in doing so is assisting voluntarily.
 - 3) Law enforcement officer will be prepared to successfully record the phone call.
 - 4) Law enforcement must explain in full detail to involved persons the purposes of this technique and what their role will be.
 - b. Victim placed phone calls.
 - 1) Victim agrees to participate,
 - 2) Parent(s) consent to phone call,
 - 3) Full details provided to the victim and parent regarding the nature of the conversation,
 - 4) Prior to phone conversation, issue will be reviewed with the U.S. Attorney's Office,
 - 5) Victim appears to be developmentally and emotionally capable of participating in this contact, and
 - 6) All phone calls are to be made in the presence of the law enforcement officer.
 - c. Other persons making the phone calls.
 - 1) Other persons include parents, guardians or other adults, who would logically have reason to be aware of the incident and in a position to have contact with the suspect,
 - 2) Agree to participate in the call,
 - 3) Full details provided to caller in regard to nature of the call, and
 - 4) Caller appears to be developmentally and emotionally capable of participating in the contact.
 - d. Documentation/Preservation of Call.
 - 1) All recorded phone calls are preserved and impounded as evidence.
 - a) Original recording impounded as evidence.



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- b) Copy of recording is always provided to the prosecuting attorney's office for review.
- 2) This procedure is followed for all recordings regardless of whether or not the investigation results in prosecution or prosecuting attorney review.
 - a) Law enforcement officers will maintain a log of all recordings.
 - b) Law enforcement officers will maintain a storage area for tapes of all recordings.
 - c) Documentation of all recordings and attempted recordings will be made in investigative reports. This means all such recordings are transcribed prior to submission of investigative report to the U.S. Attorney's Office.

2-31-15 INVESTIGATION OF SENSITIVE CASES

A. Sensitive cases may include, but are not limited to, cases in which the circumstances surrounding the child abuse involve such special interest so as to demand a more unified approach to the investigation. Examples of sensitive cases and how they should be handled are listed in this procedure.

B. Cult or Commune Investigations.

1. Law enforcement officers will identify the nature of the cult or commune involved and identify the participants.
2. Law enforcement officers will interview all victims separately in a timely manner so the victims cannot influence each other's statements.
3. Law enforcement officers will document the role of religious, cult or other pertinent materials used in conjunction with the abuse.
 - a. Law enforcement officers will obtain a search warrant or consent to search that authorizes a complete search of the premises.
 - b. Law enforcement officers will seize all items of evidentiary value.
 - c. Law enforcement officers will photograph the entire scene of abuse and living areas of cult, commune, or ritual abuse under investigation.
4. Law enforcement officers will consult with a recognized expert, in the area of the cult, commune, or ritual abuse under investigation.
5. Law enforcement officers will contact the prosecuting attorney's office in the initial stage of this type of investigation.
6. Law enforcement officers will interview the suspect(s).
7. Law enforcement officers will consult with trained mental health professionals to corroborate the mental condition of victims, (i.e., are they programmed, are they vulnerable persons, etc.).

C. Mental/medical/educational facility Employees and Volunteers Associated with the facility.

1. Law enforcement officers will identify the jurisdiction of the institution.
2. Law enforcement officers will promptly investigate a report of abuse made by a patient or inmate.



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3. The victim will be protected from the suspect during the pendency of the investigation, which will require:
 - a. Reassignment of suspect to other duties,
 - b. Placing the suspect on leave, and/or
 - c. Relocating the victim to a safe area.
4. The law enforcement officer will interview the suspect in private.
 - a. The law enforcement officer will not allow other staff members or supervisors to be present at the interview.
 - b. The criminal investigation will be separate from internal administrative personnel investigations.
 - c. Requires supervisor notification if a BIA employee is involved.
5. Each institution will designate an appropriate contact person for the law enforcement officer to deal with. All communication dealing with the investigation should go through the designated contact person.
6. The law enforcement officer will maintain contact with the institution's designated contact person on the status of the investigation.

D. Pre-school/Day Care Center.

1. CPS and the law enforcement agency having jurisdiction will coordinate investigative planning.
2. Law enforcement officers will arrange for additional investigation personnel to expedite interviews of victims.
3. Investigative teams will be matched to have an experienced interviewer on each team.
4. Law enforcement officers will interview employees (past and present) for statements, in written or taped form.
5. Law enforcement officers will identify and interview other and/or past students for victim disclosure or corroboration.
6. Law enforcement officers will acquire grand jury subpoenas to obtain prior student enrollments and employee records.

E. Licensed Day Care, Foster Care, or Adoptive Homes.

1. CPS and the police agency having jurisdiction will coordinate investigative planning.
2. CPS will follow established guidelines for investigating child abuse allegations within CPS homes or facilities. CPS will produce their record supporting licensing of the home or facility.
3. In cases in which multiple potential victims must be interviewed, law enforcement officers will obtain the assistance of additional trained CPS or police agency staff to expedite the interview process.
4. Whenever possible, trained interviewer(s) will be teamed with other investigative personnel to ensure the skill level of the interview team.
5. Law enforcement officers will identify employees and household members (past and present) for statements using written or taped form.
6. Law enforcement officers will identify and interview children previously placed there for victim disclosures and corroboration.



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F. Law Enforcement Personnel, CPS Employees, Prosecuting Attorney's Office Employees, and Volunteers Associated with these Agencies.

1. Upon disclosure, suspect's agency administrator will be notified of the allegations.
2. The agency administrator must request that an outside agency conduct the investigation. The agency administrator will make every attempt to avoid having the suspect investigated by persons with whom he/she has personal or professional relationships that may result in conflict.
 - a. Local, county, tribal, and state law enforcement will request that another agency which has logical jurisdiction investigate the allegation.
 - b. CPS will notify another logical CPS agency to request a new caseworker be assigned.
 - c. The prosecuting attorney's office will request investigation by the police agency having jurisdiction.
3. At the appropriate time, the prosecuting attorney's office will consider requesting that a special prosecutor be appointed to review the investigation and conduct prosecution.
4. Requires supervisor notification if a BIA employee is involved.

G. School Employees or Crimes Committed on School Grounds.

1. Upon receipt of a complaint from a student, the school will notify law enforcement officers immediately.
2. School personnel or representatives of the school will not conduct interviews.
3. Police interviews of the victim will be conducted in a timely manner, in private.
4. Upon conclusion of the victim interview, the law enforcement officer will contact and advise the appropriate education superintendent of the allegation and arrange for an interview of the school staff person who is the subject of the investigation.
5. Upon conclusion of the interview, the law enforcement officer will contact and advise the legal guardians of the complainant. School personnel, after consulting with the law enforcement officer, may contact the legal guardian and notify them of the school's involvement.
6. Upon conclusion of the interview, law enforcement officers will advise the appropriate education superintendent of case status so that he/she may make a proper assessment of the need for personnel actions, (i.e., temporary assignment away from children, leave, suspension, etc.).
7. Upon completion of the investigation, the law enforcement officer will provide written notice to the appropriate school superintendent to advise him/her of case disposition.
8. The school superintendent or designee is the contact person for the investigation.
9. Requires supervisor notification if a BIA employee is involved.



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2-31-16 MULTIPLE VICTIM OR SUSPECT CASES (INTERAGENCY TEAM INVESTIGATIONS)

A. General Considerations.

1. These guidelines recommend a team approach to minimize the risk of contamination of evidence, provide for more comprehensive and humane interviews of victims, and assure that the overall investigation is effectively and efficiently carried out on behalf of the children and families involved while protecting the rights of victims and alleged suspects.
2. This guideline is designed for investigating allegations of child abuse in such settings as schools and other out-of-home care environments.

B. Duties and Responsibilities of the Team.

1. The purpose of this section is to clarify each agency's duties and responsibilities to improve agency coordination and to reduce duplication of effort. The goal of this protocol is to lessen trauma to child victims, minimize the number of interviewers and interviews, prevent the abuse of other potential victims, increase the effectiveness of the prosecution, and to provide information to the involved agencies in a coordinated and efficient manner.
2. The Multi-Disciplinary Team (MDT) coordinates the activities of all agencies involved in the investigation.
 - a. Law enforcement. They are in charge of the investigation.
 - b. U.S. Attorney's Office (or other prosecuting attorney's office). This office is the primary agency responsible for the prosecution of substantiated allegations of child abuse. This office may also provide assistance to the investigative team throughout the tenure of the investigation by giving legal advice, helping to draft search warrants, observing interviews of potential witnesses and any other assistance deemed appropriate.
 - c. Child Protective Services Agency. This agency takes the necessary measures to ensure the safety of children who may require protective custody and to make placement recommendations, if appropriate.
 - 1) CPS makes sure that all parents of children identified as victims are apprised of therapy options and otherwise available assistance.
 - 2) If the facility is not licensed by CPS, the investigating law enforcement agency is responsible for initiating the request that CPS be involved in identifying and/or working with the parents of other potential victims.
 - 3) In all cases, CPS and law enforcement officers notify the appropriate office responsible for taking administrative action involving any CPS licensed, certified or registered facility which could include revocation or suspension of the license.
 - d. Victim-Witness Coordinator. Federal or local victim witness coordinator will work with the inter-agency investigative team. They will assist the family with processing applications for the crime victim's compensation and work with the victim and family throughout the investigation and subsequent court process.



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- 1) The victim witness coordinator performs an informing, supportive function for the victims and parents. Within the bounds established by law enforcement officers, parents have a need and right to know the general status of the investigation.
 - 2) The role of the victim witness coordinator is to allay the parents' anxieties and enhance the chance of conviction by keeping parents informed of the stage and progress of the case and the danger of contamination of the case if information about the children's disclosures is shared with other parents.
- e. Medical Practitioners. The duties and responsibilities of the medical practitioner(s) are to conduct the medical examinations. In some cases forensic interviews are conducted by mutually agreed upon qualified interviewers.

C. Investigative Guidelines.

1. The primary objective of the investigation is the protection of the child.
2. Timeliness and Planning.
 - a. A team will be formed and strategies will be developed as soon as possible upon learning that there are allegations of child abuse involving multiple victims/multiple suspects.
 - b. If there is any doubt regarding the appropriateness of investigating the case as a MDT, law enforcement officers will consult with the prosecuting attorney.
 - c. When the investigation of an abuse allegation results in a clear disclosure by one child and a law enforcement officer or CPS worker believes there is potential of other victims who should be interviewed, law enforcement officers will request that the prosecuting attorney assign an attorney to the case.
 - d. The investigating officer, the CPS worker, and the prosecuting attorney assigned the case will meet to plan the on-going investigation of the case. Issues discussed in that meeting should include, but are not limited to:
 - 1) How to proceed if there are more victims, i.e. if that means conducting a parent meeting, what format the parent meeting should take, etc.
 - 2) How to give the parents of potential victims enough information to decrease their anxiety and help them understand what they should or should not say to their children in order to prevent contamination of the legal case.
 - 3) How to assist the parents to understand their own emotions and minimize rumors which may damage the case. Consideration should be given to assigning someone to act as a liaison between the investigative team and/or involved agencies and the parents of the victims.
 - 4) Decide on an effective method of screening potential victims to prevent unnecessary interviews.



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3. In a criminal investigation, responsibility for the investigation cannot be delegated; the agency in charge must be the law enforcement agency in whose jurisdiction the crime occurred.

D. Communication Protocols.

1. If the alleged crimes have occurred outside the home, the investigative team must address the concerns of the parents of the alleged victim. A parental liaison person will be selected to meet, as needed with the parents to keep them informed.
2. Only law enforcement officers who have experience and training in child abuse and child interviews will be assigned the task of interviewing children.
 - a. A therapeutic evaluation does not replace an investigative interview.
 - b. To minimize any contamination of information, so that disclosures come from children in a spontaneous manner, an appropriate number of interviewers will be assigned. This procedure should minimize contamination of evidence.
 - c. Each Supervisory Special Agent will maintain a list of experienced law enforcement officers who can be called upon to assist in a major case investigation.
3. When possible, in any major case in which there are more than three victims, the same medical evaluator should not examine all the children. Whenever more than one medical evaluator is used, they should be selected from different centers and should not consult with each other about their findings.
4. The inter-agency team will designate one person to coordinate communication with the media.

2-31-17 CHILD AS OFFENDER

- A. Law enforcement and CPS will refer all reported cases in which the child is the alleged perpetrator to the prosecuting attorney's office for review.
- B. Law enforcement and CPS will consult with the prosecuting attorney's office immediately in any decisions regarding the placement of the suspect in or out of the home, in detention or in shelter care. The primary concern is for the safety of the child victim(s).
- C. If the suspect is a juvenile, it is the responsibility of the prosecuting attorney to determine if and when any information or petition is filed. The decision will take into account the suspect as well as the victim's family, and community needs.
- D. Whenever an investigation reveals that a child has abused another child, the law enforcement officers will make every effort to discover whether the suspect has been abused, and by whom. An additional investigation may be initiated at that point.
- E. In an incident involving sexual abuse between juveniles, the investigation will be conducted by the police agency having jurisdiction.



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1. During such investigations, the guidelines for conducting the investigation will be consistent with the protocol outlined for other sexual assault investigations described elsewhere in this manual.
 2. The law enforcement officer will share such information with the local CPS agency. The law enforcement officer, in coordination with CPS, will also attempt to refer the offender, victim, and parents to other local support service agencies.
- F. If the juvenile offender abused alcohol and/or other substances, the law enforcement officer will document this fact and refer the juvenile suspect for a medical assessment and treatment as appropriate.

2-31-18 CRISIS INTERVENTION

- A. The goal of crisis intervention is to provide effective and timely information, support, and assistance to victims and non-offending family members from the beginning of the investigation through its completion. It is process of disclosure, investigation, and legal system intervention, in and of themselves, constitutes an ongoing crisis for the victim and family.
- B. In the investigation pre-trial phase, law enforcement officers will make reasonable efforts to ensure that the suspect does not have contact with the alleged victim during the investigation of the case.
1. If contact cannot be prevented through voluntary agreement with the suspect and non-offending guardian, law enforcement officer's will act to prevent contact by any applicable legal remedies, including juvenile court order, conditional release orders when the suspect has been arrested and released or booked at arraignment, domestic relations court orders or restraining orders.
 2. Generally, restraining orders are only applicable when the non-offending guardian has been the victim of bodily injury, placed in fear of imminent serious bodily injury, and/or engaged in involuntarily sexual relations by force or threat of force.

2-31-19 RESPONSIBILITY OF LAW ENFORCEMENT DURING FILING AND JUVENILE COURT PROCEEDINGS

- A. In all cases in which it appears that the child's best interest will be served by placing the child under the jurisdiction of the juvenile court, law enforcement officers, in coordination with CPS, will bring the investigation to the attention of the prosecutor or court at the earliest opportunity, and prepare to file a juvenile court petition (non-criminal).
1. If available, prosecutors will be responsible for the filing of all petitions in tribal courts.
 2. If a prosecutor is unavailable, law enforcement officers, in coordination with CPS, will file the appropriate court documents in these matters.



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- B. Law enforcement officers, in coordination with CPS and the prosecutor, if available, will decide if the investigation has developed sufficient information to warrant the filing of a juvenile court petition.
1. If sufficient basis for a petition exists, then a petition will be immediately filed.
 2. If sufficient basis for a petition does not exist, the CPS worker and, where appropriate under this chapter, the assigned law enforcement officer will continue the investigation to closure. At the time the CPS or law enforcement officer determines it and, where available, the prosecutor, that a juvenile petition is sustainable and necessary to protect the child from harm, a petition will be filed.
- C. Law enforcement officers, CPS, and the prosecutor will assess the need for protective custody (shelter care) for the child.
1. If the child has been placed in shelter care by the police or CPS, they will assess the continuing need for such placement or whether the child can be safely returned to their own home, or the home of a relative. This decision is independent from that concerning the filing of a petition.
 2. If the child has not been placed in shelter care, they will assess whether the child is safe from harm at home or his/her present location. They will assess what needs to be done to assure the child's continued safety during the pendency of any court matters, either criminal or juvenile.
- D. Whenever a child is placed in protective custody (shelter care), law enforcement officers must refer the matter to the juvenile court on the next judicial day.
1. Law enforcement officers are responsible for notification of the parties (e.g., the parents/guardians of juvenile, the juvenile court personnel, CPS, and the prosecutor, if available,) of the need for a protective custody (shelter care) hearing.
 2. At this hearing, it becomes the juvenile court's task to address the continued welfare of the child with the informed assistance of law enforcement and CPS.
- E. Whenever law enforcement and/or CPS file a petition in juvenile court, the court will set a time to commence proceedings on the petition (preliminary hearing).
1. In situations when a prosecutor is unavailable, law enforcement officers have the responsibility to request a preliminary hearing on the petition, and to notify the court of those persons having a right to participate in the proceedings.
 2. Once the petition has been filed in juvenile court, the court determines the progress of the case.
- F. A formal proceeding will held in the juvenile court to determine whether allegations of the petition are true.



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1. The parties may stipulate to the allegations in the petition or to an amended petition. If they do not, the prosecution is required to prove the allegations by a preponderance of the evidence. Despite a lesser burden of proof in dependency cases, the law enforcement officer must conduct his investigation in the same manner as a criminal case.
 2. At the hearing, witnesses will be called. Generally the victim will be requested to testify. However, in dependency matters, the testimony of the victim can be solicited in the judge's chambers, in the presence of the judge and attorney's only.
 3. A dependency hearing may or may not take place at the time a criminal proceeding is pending in another court to prosecute the offender for related offenses. Although, separate, these proceedings involve the same parties and set of facts. They must be carefully coordinated to protect the best interests of the child without jeopardizing the prosecution's case. Law enforcement, CPS, and the prosecutor's office must communicate and maintain a cohesive plan for the successful prosecution of both proceedings.
 4. Upon hearing the evidence, the juvenile court judge will determine if the allegations of the petition are proven. This determination enables the judge to assume jurisdiction over the child and determine an appropriate disposition.
- G. The court takes the following actions once it has established jurisdiction over the child.
1. CPS presents a psychosocial evaluation report and recommendation to the court. The report includes a family history, medical and psychological evaluations, a summary of the law enforcement investigation, an assessment of family dynamics, and a determination of the child's needs and the risks present in the home.
 2. Other interested persons (i.e., the child, parents, and their attorneys) may make a presentation to the court.
- H. After consideration of the recommendations, the court will make its dispositional order.
1. The order usually conforms to the recommendations of the CPS.
 2. A dispositional order is a continuing one, subject to review. The court may review the case at any time and must review it as dictated by local law.
 3. Typically, legal custody and guardianship is granted to CPS for implementation and case management.
- I. CPS is responsible for case management to ensure protection of the child by reducing risk of harm, improving family functioning, and assisting the family in complying with the orders of the court. Law enforcement officers should be aware of the outcome of these court dispositions so that any later adverse law enforcement contacts may be reported directly to the court or minimally to CPS for inclusion in later case reviews.



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2-31-20 CONFIDENTIALITY OF CHILD ABUSE INVESTIGATIONS AND PROCEEDINGS

- A. Office of Justice Services law enforcement officers will cooperate with tribal, state and federal agencies that investigate and treat incidents of child abuse and may provide information and records to those agencies as required or permitted by law.
- B. The identity of any person making a report of child abuse, or of any other informant regarding child abuse, may not be disclosed, except as required or permitted by law, without the consent of the individual, to any person other than a state, federal, or tribal court of competent jurisdiction or to an employee of an Indian tribe, state or the federal government who needs to know the information in the performance of such person's duties and responsibilities.
- C. The identity of all victims, alleged perpetrators, families of the victims or perpetrators may not be disclosed, except as required or permitted by law, without the consent of the individual involved, to any person other than a state, federal, or tribal court of competent jurisdiction or to an employee of an Indian tribe, state or the federal government who needs to know the information in the performance of such person's duties and responsibilities.

2-31-21 CHILD ABUSE AND NEGLECT REPORTING HOTLINE

- A. Child Abuse Hotline Service. The Hotline service was created to enable BIA employees or others to report known or suspected incidents of child abuse or neglect, toll free. In the event that circumstances preclude them from contacting their own law enforcement office.
 - 1. The telephone number of 1-800-633-5155.
 - 2. The service is available seven days a week, 24 hours a day.
 - 3. The Associate Director, Office of Justice Services (OJS), has overall responsibility for management of the hotline and may extend or reduce hours, as circumstances require.
- B. Hotline operators have limited responsibility to receive reports of child abuse and neglect from Bureau employees. At the discretion of the Special Agent in Charge, this responsibility may be expanded to include other law enforcement duties, provided that the ability of the staff to respond to child protection matters is not compromised.
- C. Absolutely no personal calls are to be processed on the 1-800 line. The 1-800 number is intended only to serve in-coming calls and is not to be used to place out-going calls.

2-31-22 HOTLINE ANSWERING PROCEDURES

- A. Hotline staff will answer calls as, "This is the Bureau of Indian Affairs Child Protection Hotline."



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- B. The hotline is the primary point of receiving reports from BIA employees. However, additional reports may be received from employees of Bureau contractors or from the general public including tribal members.
- C. Hotline operators will assist persons making reports to help them make the report as factually complete as possible.
- D. Although anonymous calls are accepted, operators will encourage reporters to disclose their identities.
- E. Operators will advise all persons making reports that the Bureau does not disclose the identity of individuals who do identify themselves to anyone other than the necessary law enforcement personnel, to the extent permitted by Federal law.
 - 1. Operators will be tactful and will not press the question if callers are initially unwilling or reluctant to identify themselves.
 - 2. By the end of questioning, if callers have still not identified themselves, operators will remind the callers that it would improve the investigators' chances of substantiating the complaint if they could be contacted by local law enforcement.
 - 3. In the case of anonymous callers, operators will remind them that employees are required to report suspected child abuse and neglect so it is in their best interests to have their name on the record as having initiated a report.
- F. Regardless of the identity of the person making the report, or their request to remain anonymous, operators will make all reasonable efforts to obtain sufficient information to initiate an investigation, including:
 - 1. Report identification:
 - a. Area,
 - b. Agency, and
 - c. Date of report.
 - 2. Child's identifying information:
 - a. Name,
 - b. Date of birth,
 - c. Sex,
 - d. Indian or non-Indian,
 - e. Parent/guardian's name,
 - f. Other siblings,
 - g. Address,
 - h. Finding directions,
 - i. Telephone, and
 - j. County of residence.
 - 3. Source of allegation:
 - a. Complainant's name, and
 - b. Telephone number.



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4. Incident identification and description of the incident:
 - a. Date and time of the incident,
 - b. Observable indicators,
 - c. Behavior,
 - d. Physical (site, size, description).
 5. Suspect's information:
 - a. Name,
 - b. Address,
 - c. Employment,
 - d. Indian or non-Indian, and
 - e. Suspect's report of how problem occurred.
 6. Child report on how problem occurred,
 7. Observations regarding suspect/child interaction,
 8. Witness information:
 - a. Names, addresses, telephone numbers of anyone who may have information or have observed the same problems,
 - b. Names and addresses of schools the child may have or is presently attending,
 - c. Names and addresses of any medical providers, who may have treated the child in the past,
 - d. Names of any neighbors or friends who may have recently been in the home, and,
 - e. Any information regarding the parent(s) general whereabouts or place of work.
 9. Documenting information:
 - a. Receipt of report,
 - b. Date and time of telephone report, and
 - c. Name of person accepting telephone report.
 10. Name, location, and telephone number of person accepting telephone report.
- G. Before the end of the call, the operator will assure the caller that he/she will refer the call to the appropriate local authorities.

2-31-23 METHODS OF QUESTIONING

Hotline operators will ask questions which will indicate the location of the incident in jurisdictional terms to expedite the referral to the appropriate law enforcement agency. Specific questions include, but are not limited to:

1. Where is the nearest Bureau Agency?
2. Did the incident occur on or off the Reservation?
3. Did the incident occur in a Bureau or Tribally operated facility?
4. Where is the nearest community?
5. What is the name of the county in which the incident occurred?

2-31-24 REFERRALS

- A. Operators will immediately contact the local law enforcement office to provide the substance of the information received.



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B. Operators will document the following information upon contacting local authorities:

1. Name of the agency and officer contacted,
2. Agency telephone number,
3. Time and date of the contact, and
4. Any information provided by the receiving official to the hotline operator.

C. If circumstances, such as those listed below, require that the local law enforcement office not be contacted, the operator will contact the Office of Justice Services for additional information.

1. Allegation of local Bureau or tribal cover-up,
2. Allegation against key Bureau or tribal personnel such as law enforcement officers, tribal council members, or tribal court judges, or
3. Allegation that the local law enforcement office was previously notified and failed to investigate.

2-31-25 CALLS FOR INFORMATION

- A. Operators will take inquirer's names and telephone numbers and refer calls for information about the hotline to the Special Agent in Charge.
- B. Depending on the nature of the request for information, the Special Agent in Charge may refer the call to the assigned investigating officer, the designated public information officer, or respond to the request directly.

2-31-26 REPORTING RESPONSIBILITIES

- A. Hotline operators will fax copies of call reports to the local law enforcement agency prior to the end of the operator's shift.
- B. Operators will provide the Deputy Bureau Director with copies of all reports received during a shift prior to the end of the shift.



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2-32 MULTI DISCIPLINARY TEAM-CHILD PROTECTION TEAM (CHILD ABUSE)

POLICY

Appropriate OJS employees will assist and participate in supporting the BIA-OJS Multi-Disciplinary Teams (MDT) and Child Protection Teams (CPT).

RULES AND PROCEDURES

2-32-01 GENERAL INFORMATION

A. The Multi-Disciplinary Team (MDT) provides for the confidential discussion of ongoing case investigations and potential prosecution of child sexual assault/abuse cases while the Child Protective Team (CPT) proactively identifies the needs of the victims of child sexual abuse. Discussions are held and collaborations are identified and created to provide assistance to victims.

B. MDT/CPT Resources.

Resources may include providing or identifying any or a combination of the following services, depending on the circumstances of the case:

1. Social Services, including victim and community counseling, placement, treatment, training, special classes, or other social services,
2. Education, including victim and community counseling, placement, treatment, training, special classes, or other education,
3. Law Enforcement, including case development assistance, advise for victims, community and local law enforcement officials, counseling, interviewing, intervention, or other law enforcement service,
4. Personnel Services, including actions to be taken relative to the accused, co-workers, and supervisors,
5. Medical, including examinations and analysis, as well as counseling, advice, treatment, placement, etc., for victims, families and members of the community affected by the occurrence of abuse, and
6. Other Services, within the discretion of the team leader.

C. Responsibility for MDT/CPT (Teams).

All law enforcement Chiefs of Police or Supervisory Special Agents and their superiors through the chain of command at the District and agency levels who have responsibility for providing services to children, including, but not limited to, child welfare, education programs and services, and law enforcement will comply with the provisions of this section for the purposes of mobilizing, operating and supporting MDT/CPT.



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2-32-02 GENERAL PROCEDURES

- A. Staffing of teams may vary from case to case and may include any of the following categories of BIA employees: teachers, counselors, child protective workers, social workers, law enforcement officials, medical workers, judicial services workers, personnel officials, and other Federal or private personnel who may be appropriate for a given case.
- B. Participating agencies may include but are not limited to:
 - 1. BIA-OJS (Special Agents, Victim Specialists).
 - 2. USAO (Assistant United States Attorneys, Victim Specialists).
 - 3. FBI (Special Agents, Victim Specialists).
 - 4. Tribal or BIA-OJS Uniform Police.
 - 5. Social Services.
 - 6. Forensic Interviewers.
 - 7. SANE Nurses (I.H.S.).

2-32-03 INITIATION OF MDT/CPT (TEAM)

- A. The District SAC or agency COP may initiate a Multi-Disciplinary Team on a permanent or as-needed basis, depending on circumstances.
- B. Circumstances which may justify initiation:
 - 1. An incident involving multiple victims,
 - 2. When there is a high degree of negative publicity,
 - 3. When special political considerations are involved, or
 - 4. Circumstances make the case especially unique or sensitive.
 - 5. When there is an ongoing need in the community being served by the police agency.
- C. The OJS Manager will designate team members and a team leader, following consultation with local child protection teams and law enforcement officials.
- D. Team members will establish contacts with local and area resources to coordinate their efforts and to assure that team activities enhance case investigations, prosecution, or other on-going activities. Team members are to consider all case information developed by local law enforcement or child protective/social service officials.

2-32-04 TREATMENT AND SAFEGUARD OF CASE INFORMATION

- A. Team members will handle all privileged information in strict compliance with the requirements of the Privacy Act.

Any team member who violates this provision is subject to immediate removal from present and future MDT/CPT activities and may be subject to additional adverse action.



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- B. All media contacts will be processed through the BIA Public Information Officer. All team members and other personnel with access to child abuse information are expressly prohibited from releasing any information or discussing the case with any members of the media.



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2-33 ABUSE OF THE ELDERLY

POLICY

The protection and care of the elderly is of the highest importance to OJS law enforcement personnel. Personnel will address all special needs and take active measures to ensure their safety and well-being.

RULES AND PROCEDURES

2-33-01 GENERAL

A. Designated Protective Agency

Each Agency Police Department will identify the name, address, regular business, and emergency telephone contact information for the program responsible for protection of the elderly. This information will be posted with communications personnel.

B. Special Statutes

The Chief of Police or Supervisory Special Agent will identify any applicable statutes that specifically address elder abuse within the agency's jurisdiction and will develop procedures for the implementation of any additional requirements, specific to local law or regulation, that are not addressed by this section.

C. The responding officer will determine if the elder is physically endangered either as a result of abuse, a pre-existing medical condition, or the removal of a caretaker when a victim of domestic violence is 60 years or older and the accused sole caretaker will be arrested, or when the victim of domestic violence is the sole caretaker of a physically dependent elder and the victim can no longer provide care.

D. If the elder is physically endangered and mentally alert, the officer will ask the elder for the name of a relative or friend who can be contacted immediately to assist the elder.

E. If there is no one available to assist the elder, or if the elder does not appear to be mentally alert, the officer will make an emergency referral to a local area agency responsible for aging, i.e., social services. The officer will remain at the residence until the protective services worker arrives or will transport the elder to a medical facility or other appropriate place where the elder can wait for the worker.

F. In addition to providing the notification of services available to victims of domestic violence required by the domestic violence procedure, the officer will advise the elder of the availability of protective services through the local area agency on aging, i.e., social services.



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2-41 CRIMINAL INVESTIGATIONS

POLICY

It is the responsibility of both uniformed officers, and Special Agents to conduct investigations in a thorough, efficient, and timely manner. OJS personnel will ensure compliance with all constitutional requirements during criminal investigations that include guarding against coercion or involuntary confessions and admission, failure to inform defendants of their rights, deprivation of counsel, pretrial publicity, etc.

RULES AND PROCEDURES

2-41-01 GENERAL

- A. Criminal investigations involve the investigation of misdemeanor and felony crimes. Typically, uniformed officers are dispatched to a call for service or come upon a crime scene while on patrol, are contacted by a citizen, or by a Wildfire Investigator (INVF). Determining that a crime has been committed, the uniform officer may:
 1. Initiate a preliminary investigation.
 2. Review wildfire origin and cause report (see if person of interest is identified).
 3. Notify a supervisor who will determine the need for a special agent to conduct a preliminary investigation.
- B. Based on the type of crime, the uniformed officer will:
 1. Complete the preliminary investigation and recommend closing the case.
 2. With supervisory approval, continue with a follow-up investigation.
 3. Turn the case over to a special agent.

2-41-02 PRELIMINARY INVESTIGATION STEPS

Preliminary investigations may be conducted by uniformed officers or special agents. When initiating a preliminary investigation, basic steps to be followed include, but are not limited to the following:

1. Observing all conditions, events, and remarks.
2. Locating and identifying witnesses.
3. Maintaining and protecting the crime scene.
4. Interviewing the complainant, witnesses, and suspects and reporting party.
5. When appropriate, collecting necessary evidence at the crime scene.
6. When possible, review the Wildland fire scene (origin of fire).
7. Preparing a detailed written report recording all the findings.



2-41-03 RECORDING THE INVESTIGATIVE EVENTS

Accurate records of events that transpire at the scene in connection with an investigation include such elements as:

1. Subject/suspect name
2. Street name (subject address)
3. Aliases
4. License plate number
5. Physical evidence found
6. Seriousness of the crime
7. Injury to victim
8. Date and time of arrival at scene
9. Name of victim
10. Action taken at the scene, including number of photographs taken, measurements, listing of physical evidence recovered, sketches, diagrams, etc.
11. Review Origin and Cause report from Wildland Investigator and add to case report.
12. Case number

2-41-04 FOLLOW-UP INVESTIGATION STEPS

Follow-up investigations may be conducted by uniformed officers or special agents. When initiating or assigned a follow-up investigation, basic steps to be followed include, but are not limited to the following:

1. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations.
2. Conducting additional interviews and interrogations.
3. Seeking additional information from uniformed officers, informants, and INVF.
4. Planning, organizing, conducting searches, and collecting physical evidence.
5. Identifying and apprehending suspects.
6. Determining involvement of suspects in other crimes.
7. Checking suspects' criminal histories.
8. Preparing cases for court presentation.

2-41-05 SPECIAL AGENT RESPONSIBILITIES

Based on the seriousness of the crime and the availability of a special agent to immediately respond to the scene of a crime, the special agent may initiate the investigation, receive a preliminary report from the uniform officer, or receive a preliminary and follow-up report if the investigator was unable to respond. The special agent will be responsible for conducting the investigation from the point that it was concluded by the officer. The special agent is responsible for:

1. Reviewing and analyzing preliminary and follow-up reports.
2. Interviewing the witnesses and victims again to uncover information that was not obtained during the initial interview.
3. Reviewing results from the crime scene.
4. Identifying and apprehending the suspect(s).
5. Preparing the case for court presentation.



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2-41-06 SUPERVISOR RESPONSIBILITIES

- A. Supervisors are responsible for ensuring all crimes are thoroughly investigated. Based on the complexity of the crime, a supervisor may allow a uniform officer to conduct both preliminary and follow-up investigations. The supervisor may assign for follow-up a case to a special agent or call out a special agent to conduct both the preliminary and follow-up investigation.
- B. Supervisors shall provide direction and guidance to subordinates by reviewing and approving reports. Supervisors will approve reports within 15 days of receipt. Supervisors will maintain a record of the following:
 1. Case number
 2. Investigator assigned
 3. Date assigned
 4. Date that a follow-up report is due

2-41-07 CASE ASSIGNMENT AND OPENING

A dialogue should occur between the special agent and his/her supervisor to identify potential criminal offenses. Criteria to discuss are:

1. Identify crime and associated statutes
2. Determine if crime is major federal crime, state crime, or tribal offense.

2-41-08 CRIMINAL INVESTIGATION PROCEDURES

Components of a successful criminal investigation include but are not limited to the following:

1. Information development.
2. Interviews and interrogation.
3. Collection, preservation, and use of physical evidence.
4. Completion of background investigations.
5. Surveillance.

2-41-09 CASE INVESTIGATION

- A. The responsible officer or investigator is accountable for the overall quality of the case investigation and case disposition. All cases assigned for investigation will be investigated thoroughly, documented thoroughly, and completed within a reasonable amount of time.



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- B. The responsible officer or investigator will follow case investigation guidelines listed in this procedure, or established by the designated supervisor. These guidelines include, but are not limited to:
1. Review the assigned case, and any associated supplemental reports, and Agency records.
 2. Contact the victim, or complainant, within twenty-four hours of receiving the assignment, unless the responsible officer's supervisor grants an extension.
 3. Examine submitted evidence, not previously viewed or examined, within seventy-two hours of receiving the assignment. Ensure evidence requiring laboratory analysis is submitted in a timely manner.
 4. Ensure any digital evidence collected during the investigative process has been submitted as evidence for proper storage.
 5. Review any witness or victim written statements.
 6. Conduct follow up interviews, interrogations, neighborhood canvasses, or other follow up contacts as soon as possible.
 7. Check suspect's criminal history and determine if suspect(s) are involved in any other crimes.
 8. Document all investigative activities in a supplemental narrative.
 9. Complete any affidavits for arrest or search warrants as soon as practical.
 - a. Submit affidavits to the proper judicial jurisdiction.
 - b. Execute approved warrants as soon as practical in a manner consistent with applicable federal, state, or tribal codes or law. Use tactics and strategies that provide the highest probability for successful prosecution in court.
 - c. Ensure proper returns of service are submitted to the proper court within the specified time.
- C. The responsible officer contributes to the successful prosecution of the case by ensuring that necessary follow-up, documentation, interviews, court filings, crime scene or evidence processing, are completed as soon as practical.

2-41-10 CASE REVIEW

- A. The process of reviewing an individual officer or investigator's case is the responsibility of his/her immediate supervisor.
- B. Case reviews are conducted every thirty days by agency supervisors.
- C. The case review process provides the direct supervisor with information about the progress status for each case assigned to the officer or investigator being reviewed. That information may include, but is not limited to:
1. Compliance with law enforcement agency policies, or procedures, related to the investigative process.
 2. Progress made on pursuing and adequately documenting existing investigative leads.
 3. Efforts made to develop, pursue, and document investigative leads.



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4. Appropriate steps taken to ensure all applicable evidence is processed and/or analyzed.
5. When applicable, case file is complete, and prepared in a manner to facilitate prosecution of the charged offense(s).
6. Compilation and recording of data related to the number of cases resolved and their disposition. Statistics are recorded for each case, using Uniform Crime Report (UCR) case status:
 - a. Open - Active
 - b. Open – Cold Case
 - c. Closed - (**Note-Only closed cases should have a disposition*)
 - d. Referred to other Police Agency

Offense Disposition when Closed:

- a. Unfounded – Investigation shows the offense did not occur nor was attempted.
 - b. Cleared by Arrest – Physical arrest or court summons for offense.
 - c. Cleared by Exception Means – (some examples below)
 - 1) Suicide of the offender
 - 2) Double Murder (Two persons kill each other)
 - 3) Deathbed confession
 - 4) Offender killed by police
 - 5) Extradition denied
- D. Final Disposition Reports officially closing a case must be reviewed and signed by the investigator's immediate supervisor.

2-41-11 ON-CALL PROCEDURE FOR SPECIAL AGENTS

Agencies having special agents available will post an on-call roster in communications covering times when the investigator(s) is/are off-duty. On-duty supervisory approval is required before calling out an off-duty special agent.

CASE MANAGEMENT See Criminal Investigations SOP



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2-42 INVESTIGATION OF BIA-OJS/TRIBAL OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATH INCIDENTS

POLICY:

By mutual agreement, the Federal Bureau of Investigation will exercise primary criminal investigative responsibility for federal criminal matters involving BIA-OJS and Tribal law enforcement officer (LEO) shootings and in-custody death incidents.

The FBI will take a primary role in most BIA/Tribal law enforcement shootings or in-custody death incidents. BIA-OJS will conduct internal administrative investigations of all BIA-OJS/Tribal law enforcement officer-involved shootings or in-custody death incidents.

RULES AND PROCEDURES

2-42-01 NOTIFICATIONS

- A. When advised of an officer-involved shooting or in-custody death incident, BIA-OJS will notify the FBI and all affected BIA/Tribal law enforcement partners as early as possible to clarify jurisdiction and investigative roles. BIA-OJS Special Agents in Charge and the FBI should be aware that local or Tribal law enforcement agencies may also have investigative responsibility for shooting incidents occurring within their jurisdiction.
- B. The FBI criminal investigation will take precedence, and upon guidance from the Assistant U.S. Attorney, BIA-OJS will initiate an administrative investigation.
- C. The FBI will assume primary jurisdiction, as outlined above, upon notification by the BIA-OJS or Tribe. The BIA-OJS will notify the FBI within one hour of the incident. Timely notification is essential. Any delay in notification could have an adverse impact on the criminal investigation and any subsequent prosecution.
- D. If the FBI elects not to assume primary jurisdiction, the FBI field office will provide the FBI's Indian Country Criminal Unit (ICCU) with a written explanation. ICCU will then inform BIA-OJS. The BIA-OJS will then assume responsibility for the criminal investigation.
- E. If an incident is first reported to a BIA-OJS District Office, the SAC will promptly notify BIA-OJS headquarters (HQS) and the applicable FBI-field office. The FBI field office will notify the ICCU and the US Attorney's Office (USAO). The ICCU will notify BIA-OJS regarding assumption of the case.
- F. If an incident is first reported to FBI HQ, ICCU will promptly notify the applicable FBI Field Office and BIA-OJS HQS. The FBI field office will notify the appropriate BIA-OJS District Office and the local USAO.



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2-42-02 SHOOTING INCIDENTS

- A. Within Indian Country, when a sworn BIA/Tribal LEO acting under color of law is involved in a shooting incident as outlined in the chart below, the FBI will exercise primary investigative responsibility for conducting a criminal investigation, pursuant to the process described below.
- B. Nothing shall prohibit the BIA/Tribal Police, in coordination and cooperation with the FBI, from conducting any preliminary criminal investigation until the FBI assumes primary responsibility.
- C. Prior to the BIA-OJS/Tribe conducting any preliminary criminal investigation, the BIA-OJS/Tribe should contact the FBI to clarify each agency's respective roles and responsibilities, based on the necessities of each specific situation.
- D. Once the FBI assumes primary responsibility, the BIA-OJS will remove themselves from the criminal investigation or assume a supporting role at the discretion of the FBI.
- E. Acts performed under color of law occur when an BIA-OJS/Tribal LEO acts in his/her official capacity or purports or claims to act in his/her official capacity.

FBI IS PRIMARY	BIA/TRIBE IS PRIMARY
1. Discharge of a firearm under color of law resulting in: <ul style="list-style-type: none"> • death • serious bodily injury (SBI) • a "miss" (LEO shoots at a 3rd party, but misses) 2. Other incidents on a case-by-case basis (where initial facts did not merit the FBI as primary)	1. Self-inflicted injury resulting in death or SBI to the officer (i.e. suicide or attempted suicide) 2. Accidental discharge under color of law not resulting in death or SBI 3. Discharge of a firearm not under the color of law (i.e. victimless incident, such as shooting into the air)

2-42-03 IN-CUSTODY DEATHS

- A. Per the mutual agreement between OJS and the FBI, whenever a prisoner dies while in the custody of any BIA-OJS/Tribal LEO or whenever a prisoner dies inside any BIA-OJS law enforcement or correctional facility, the FBI shall exercise primary investigative responsibility for conducting a criminal investigation. This includes both BIA-OJS direct service and BIA-OJS contract facilities.
- B. Nothing shall prohibit the BIA-OJS, in coordination and cooperation with the FBI, from conducting any necessary criminal investigation until the FBI assumes primary responsibility.
- C. Prior to the BIA/Tribe conducting any preliminary criminal investigation, the BIA/Tribe will contact the FBI to clarify each agency's respective roles and responsibilities, based on the necessities of each specific situation.



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- D. Once the FBI assumes primary responsibility, the BIA will remove themselves from the criminal investigation.

2-42-04 BIA-OJS ADMINISTRATIVE INQUIRIES

The BIA-OJS shall retain exclusive responsibility for conducting any administrative investigation arising from a BIA-OJS/Tribal LEO shooting or in-custody death incident. FBI investigations will not provide an opinion as to whether any BIA-OJS/Tribal LEO was acting within the scope of his/her employment or within BIA-OJS/Tribal policy.

2-42-05 BIA-OJS/TRIBAL PARTICIPATION IN CRIMINAL INVESTIGATIONS

- A. In cases where the BIA-OJS is supporting a FBI criminal investigation of a BIA-OJS LEO shooting or in-custody death incident, the BIA-OJS agrees to augment resources from outside of the particular direct service agency involved in the incident. It is recognized, however, this may not be possible given the often remote and limited availability of resources in Indian Country.
- B. However, due to the obvious conflict of interest, BIA/Tribal personnel directly involved in an incident should not participate in a criminal investigation involving the same incident.
- C. BIA-OJS/Tribal personnel may assist with securing and processing crime scenes, conducting non-BIA-OJS witness interviews, and other related investigative tasks. In these situations, it is recommended the interview be memorialized in one report.
- D. The BIA-OJS/Tribe should not participate in any FBI interview of a BIA-OJS/Tribal LEO or other public employee directly involved in an incident in connection with the criminal investigation.
- E. Accordingly, BIA-OJS/Tribal personnel should be informed they can expect to be interviewed by more than one individual/agency.



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2-42-06 INTERVIEWS OF BIA/TRIBAL PERSONNEL

- A. Per the mutual agreement between OJS and the FBI, it is recommended that the FBI consider the physical, mental and emotional well-being of the BIA-OJS/Tribal LEO and other victims and witnesses prior to all interviews. The USAO should be consulted on legal concerns related to obtaining statements before interviewing a public employee or conducting other interviews.
- B. Legally, all LEOs, whether on or off duty, have the same constitutional privileges afforded to any member of our society (e.g. right to counsel, protection against unreasonable searches and seizures, due process, etc.).
- C. In order to ensure any statements made by LEOs directly involved in a shooting or in-custody death incident are as thorough and accurate as possible, an appropriate period of time, typically 24-72 hours after the incident, should be afforded to these individuals to address individual needs. This provides for consulting with legal counsel, proper peer support, seeking critical incident counseling, contacting family members, as well as organizing their thoughts and recollections of the incident.
- D. BIA-OJS/Tribal LEOs shall be permitted to consult with legal counsel prior to any FBI interview, as BIA-OJS/Tribal LEOs are not obligated to speak with criminal investigators and any statement must be voluntary.
- E. Conversely, a BIA-OJS/Tribal LEO may be compelled to give statements in connection with a BIA-OJS/Tribal internal administrative inquiry. A LEO's compelled statement in an internal inquiry (one made under threat of termination for refusing to make a statement) is a Garrity statement.
- F. Accordingly, neither a Garrity statement nor any leads derived from it can be used directly or indirectly against the LEO in a subsequent criminal proceeding. Compelled Garrity statement(s) thus cannot be used before a grand jury; to shape questions during interviews of witnesses; to identify subjects; to identify other witnesses; to pursue leads; to discover evidence; to direct the investigation, etc. In short, any use or derivative use (fruits) of the compelled Garrity statement may not occur.
- G. For the above reasons, it is imperative a clear separation exist between the criminal investigation and any BIA-OJS/Tribal internal administrative inquiry. FBI Agents shall not investigate with or provide or accept direction from BIA-OJS/Tribal personnel handling any BIA-OJS administrative investigation.



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2-42-06 EVIDENCE COLLECTION

- A. The FBI will maintain custody of all evidence related to a criminal investigation where the FBI has primary investigative responsibility, in accordance with existing FBI policy. This includes collection of weapons, ammunition and clothing from a BIA-OJS/Tribal LEO involved in a shooting incident.
- B. Due to BIA-OJS policies, the FBI will photograph weapons, to include serial numbers, prior to placing them into evidence storage. If the BIA-OJS/Tribal LEO refuses to surrender the requested items voluntarily, the USAO should be notified promptly in the event a search warrant is required.

2-42-07 INFORMATION SHARING

- A. During these types of incidents, repeated requests for information sharing and/or updates as to the status of the criminal investigation should be expected of the FBI. While the officer-involved shooting or in-custody death incident is pending USAO review, dissemination of FBI reports related to the incident will be at the discretion of the USAO.
- B. Upon USAO declination of criminal prosecution of the involved law enforcement/correctional personnel (e.g. the USAO determined the involved law enforcement/correctional personnel did not violate federal law), dissemination of FBI reports to the BIA-OJS related to the incident will be in accordance with existing FBI policy.



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2-43 SEXUAL ASSAULT INVESTIGATIONS

POLICY

Officers and special agents will diligently and professionally investigate all cases of sexual assaults brought to their attention. Particular care will be taken to minimize additional trauma to the victim.

RULES AND PROCEDURES

2-43-01 GENERAL INFORMATION

A. Support of Victims.

Sexual assaults (rape, sodomy, incest, child molestation, exploitation of children and attempts thereof) are personal violent crimes that have great psychological or physical effects on the victims. Law enforcement personnel will assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills.

B. Importance of Diligent Investigations.

Because of the seriousness of these offenses and the delicate nature of the investigations involved, it is important to conduct diligent investigations to increase the reporting of these crimes. Reducing recidivism through the apprehension and prosecution of the assailants is a priority.

C. Awareness of Community Services.

The Chief of Police or Supervisory Special Agent will ensure that law enforcement personnel are aware of community services available (sexual assault crisis centers/hotlines, mental health centers, medical clinics, victim assistance program) to victims of sexual assault.

D. Training Requirement.

The Chief of Police or Supervisory Special Agent will ensure that law enforcement personnel are trained and knowledgeable about sexual assault investigation and its impact on victims.

E. Communication Skills.

Agency personnel will use appropriate communication skills when interacting with sexual assault victims.

2-43-02 DISPATCHER RESPONSIBILITIES

- A. If hospital personnel call in a sexual assault report, the dispatcher will obtain initial information only (name and location of victim, reporter's name and job title, victim's condition).



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- B. The dispatcher will confirm that a sexual assault support person has been contacted for the victim, if possible.
- C. If the victim wants no law enforcement response, the dispatcher will:
1. Try to obtain as much information as possible concerning the crime details.
 2. Not insist on the victim's identity.
 3. Explain to the victim that she or he does not have to prosecute even if she or he makes a report.
 4. Encourage the victim to go to the hospital for treatment and evidence collection.
 5. Advise the victim that the law enforcement agency may pay the costs associated with evidence collection.
 6. Refer the victim to a sexual assault crisis center/witness program for further assistance, even if no report is made.
 7. Complete a report with all the information obtained. If the victim did not want her/his identity disclosed, this information can be omitted from the report. The on duty uniformed supervisor will be advised.
- D. If the victim wants police response, the dispatcher will:
1. Obtain initial information only--name, present location, telephone number, basic incident details, and victim's condition.
 2. Ensure the victim's safety by:
 - a. Dispatching a patrol car immediately.
 - b. Asking for name, if known, description of the assailant, possible location, or direction and means of flight from the scene, and the time elapsed since the crime.
 - c. Staying on the line until the officer arrives, if possible. Be supportive and use crisis intervention skills.
 - d. Notify the on-duty supervisor.
 3. If the assault occurred within the last 72 hours, explain to the victim the necessity of not washing self or clothes, not douching, not combing hair or putting on make-up, and not touching or moving anything at the crime scene. If the victim has already destroyed some evidence, the dispatcher will reassure the victim, but ask the victim not to do any more "cleanup."
 4. If the assault occurred more than 72 hours earlier, will recommend that the victim seek medical attention anyway and dispatch an officer.
 5. Ask the victim if he or she wishes the presence of a sexual assault crisis worker, family member, or friend for further support (at the hospital or police station).
 6. Ask if the victim has transportation or not.
 - a. The supervisor will ask the officer go to wherever the victim is, if possible, and transport the victim to the hospital or law enforcement office.
 - b. If the victim has transportation, the dispatcher will explain that an officer will meet the victim at a specific location.



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- E. The dispatcher will give a complete report of information obtained to the patrol officer assigned to the case before he or she initially contacts the victim.

2-43-03 PATROL RESPONSIBILITIES

- A. The responding officer's responsibilities include:
 - 1. Attending to the victim's emergency medical needs and ensuring his or her safety.
 - 2. Preserving the crime scene and notifying the appropriate investigations unit.
 - 3. Obtaining a description of the subject and vehicle and direction of travel to issue a BOLO.
 - 4. Explaining to the victim his or her role, what will be done at the scene, and what will occur through follow-up.
- B. The officer will obtain detailed information essential to determining what offense (or offenses) actually occurred.
- C. The officer will obtain preliminary statements from victim and witnesses and try to establish rapport, but will get only the needed information.
- D. The officer will inform the victim, preferably in writing, of counseling services available in the area and ask whether the victim would prefer to have a support person (sexual assault worker, family member, or friend) present if the dispatcher has not already done this. Provide the victim with a Victim-Witness Brochure.
- E. The officer will arrange for transportation or will transport the victim to the hospital for a sexual assault examination, (if assault occurred within the last 72 hours).
 - 1. The officer will explain the medical and legal necessity of this exam.
 - 2. The officer will inform the victim to take a change of clothing.
 - 3. The officer may provide transportation back home following the exam.

2-43-04 SPECIAL AGENT RESPONSIBILITIES (INITIAL CONTACT)

- A. The special agent will obtain a complete report from the patrol officer assigned to the case.
- B. The initial contact with the victim may happen in different ways:
 - 1. If the contact occurs at the crime scene, the patrol officer will protect the crime scene while the special agent establishes rapport with the victim, transports the victim to the hospital, and begins the preliminary investigation.



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2. If the contact occurs at the hospital, the special agent will arrange for the collection of evidence needed for prosecution, explain sexual assault exam procedures, and establish rapport for further interviews. The special agent shall make arrangements to ensure the crime scene is preserved. The special agent will have the victim sign a consent form in order to obtain a copy of the victim's hospital/medical report.
 3. If the contact occurs at the police agency, before interviewing, the special agent will review the patrol officer's report and establish rapport with the victim by allowing her or him to talk.
 4. The special agent will ensure the victim receives a Victim-Witness brochure.
- C. The special agent will allow the sexual victim specialist to be with the victim as support, if the victim desires.
- D. If the victim prefers to talk with a female special agent, every attempt to provide one should be made. If none is available, the special agent will explain the reasons and encourage the victim to cooperate.
- E. The special agent will prepare the victim for each phase of the investigation by explaining what must be done and the reasons why; the special agent will encourage the victim to cooperate.

2-43-05 FOLLOW-UP INVESTIGATIONS

- A. The special agent will conduct follow-up interviews in private.
1. The special agent will choose a quiet room at the police station or go to the victim's home.
 2. A victim specialist to aid the victim may be helpful to the investigation.
 3. The special agent will advise this support person of his or her role and ask the person not to interfere with questioning.

REFER TO FIELD OPERATIONS DIVISION SOP FOR ADDITIONAL GUIDELINES

2-43-06 Sexual Assault/Abuse Investigations in Detention Facilities

Investigative Training for Detention Facility Investigations will include:

1. Specialized training in techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
2. The OJS shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations in confinement settings.



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2-46 INTERVIEW AND INTERROGATION

POLICY

OJS officers and special agents will conduct interviews and interrogations consistent with training and all applicable laws, ensuring the subject's legal rights are preserved. The procedures set forth in this directive will be in compliance with U.S. Department of Justice, Office of the Deputy Attorney General, Policy concerning Electronic Recording of Statements effective July 11, 2014.

RULES AND PROCEDURES

2-46-01 INTERVIEWS AND INTERROGATIONS

A. A Comparison of Interviews and Interrogation

1. Why (purpose)?
 - a. Interview: To gather and test validity of information to determine the particulars of matters under investigation.
 - b. Interrogation: To gather and test validity of information to determine that the subject was responsible for, or involved in, the matter under investigation.
2. Who (subject)?
 - a. Interview: Victims and witnesses who are willing to provide police with any information they possess about the matter under investigation.
 - b. Interrogation: Persons suspected of crimes as well as others who may have information but are reluctant to offer it.
3. When (timing)?
 - a. Interview: Interviews should take place as soon as possible after the event has occurred so statements of witnesses are not affected by memory loss, influence of talking to others, and factors. Immediate gathering of information enables the investigator to prepare for interrogation of suspects.
 - b. Interrogation: Interrogation should take place ideally when the investigation has gathered enough information to know how truthful the subject is. They are more fruitful after witnesses, victims have been interviewed, and physical evidence has been located and evaluated.
4. Where (location)?
 - a. Interview: At a place convenient and familiar to the subject; or in a neutral setting. The subject's home, place of business, or any other place where privacy is assured, is preferred.
 - b. Interrogation: The police station is best since it enables the officer to control completely the security of the subject as well as other factors that might tend to be distracting.
5. How (method)?
 - a. Interview: Low pressure, informal atmosphere is preferred to allow the subject to tell in narrative style what he or she has to offer. Specific questions should be used to gather more detail and to jog the witness's memory.



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- b. Interrogation: Basically, the same method as with interviews but the atmosphere is more formal and the officer works toward a more specified purpose.
- B. Several factors influence interviewing skills at a crime scene and at later investigations. They include an understanding of crisis/stress theory, personality of the victim, and type of response given to the victim, cultural appropriateness, and knowledge of interviewing procedures.
- C. Interviewing techniques may vary, depending whether the interviewee is a victim, witness, subject, or suspect. Many of the guidelines and techniques found in this directive relate specifically to victims. The interviewer will need to adjust these techniques accordingly based on whether the person being interviewed is a witness, subject, or suspect.
- D. Officers/Agents should utilize interview and interrogation skills pursuant to training keeping in mind special circumstances such as persons under the influence of alcohol or drugs, minors, etc.
- E. Stages of the interview process:
 1. Preparation. Build security and rapport, focus on victim needs, and emphasize feelings.
 2. Information. Obtain good reconstruction of incident by use of good communication skills.
 3. Supportive closure. Explain future criminal justice proceedings. The focus should be on reassurance to the victim that police will protect the victim's rights, advise the victim of the victim's rights, and that the victim and his/her information will be protected.
- F. Guidelines for conducting an interview:
 1. Interview should occur as soon as possible after crime.
 2. Setting must be safe, comfortable, and private as possible (more information will be shared).
 3. Introduce self and state reason for your presence.
 4. Establish an honest rapport.
 5. Listen to what the victim says (requests) and reacts to their needs.
 6. Remember the goal of interviewing is to get information from the other person. Talk only enough to keep him/her talking and to maintain control over the interview.
 7. Observe both verbal and non-verbal communication.
 8. Ask the victim to state in his or her own words what happened.
 9. Do not argue with the victim.
 10. Maintain strict impartiality. Do not pass judgment.
 11. Avoid making any suggestions during the interview.
 12. Do not jump to conclusions in an effort to summarize.
 13. Help prepare victim for future contact with the justice system.



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G. Techniques of Questioning:

1. Questions should be simple.
2. Questions should be asked one at a time to avoid confusion.
3. Questions should not be worded to give the impression of implied answer.
4. Allow the victim to 'save face' if a mistake is made in answering.
5. Project a positive attitude and ask questions.
6. Silence is not to be mistaken as a lack of cooperation. It allows time to think and clarify responses.
7. Interviewer must not dominate the interview. The victim needs to regain control lost during the crime.
8. Ask open-ended questions to increase the amount of information that will be given.
9. Do not ask "yes" or "no" closed questions except at the beginning of interview when it is important for victim to gain some measure of control by simple questioning.

H. Verbal/Non-verbal Techniques:

1. Vocalization. The volume, speed, pacing of speech is important:
 - a. Speak to victim in a slow, soft voice.
 - b. Allow a few seconds between questions.
 - c. Pacing questions slowly gives the impression of patience and concern.
2. Active listening. Use the skills of listening.
 - a. Clarification
 - b. Summarization
 - c. Allowing silence

2-46-02 RECORDING OF INTERVIEWS

- A. Interviews generally involve victim(s), witness(s), and subjects. Officers/agents will obtain verbal consent to record the interview from the interviewee prior to the interview. If the interviewee refuses consent, reassure the interviewee that a recorded interview avoids any confusion with their statement and the statement is in their words only. Do not record if the interviewee maintains their refusal. Interviewees in a custodial interview do not have the right of refusal.
- B. Ensure at a minimum, the case number, name of interviewee, address, contact information and date of birth is recorded. Include time, date and location of the interview.
- C. Juvenile interviewees will always have a parent or guardian present during the interview.
- D. Use digital media and ensure that the digital media is maintained in accordance with the OJS LE Handbook section 1-26 Use of Digital Audio/Video Recorders and cameras.



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- E. Ensure Miranda Rights and Waivers are recorded in their entirety when conducting subject interviews if a signed waiver is not obtained.
- F. When documenting the recorded interview, a summary of the interview is preferred within a Memorandum of Interview and/or the Narrative of the Case Report in the absence of a transcript.
- G. All recorded interviews will be recorded in their entirety, ensuring that the date, time, those present, and the purpose for the interview are identified.

2-46-03 RECORDING OF INTERROGATIONS

- A. Interrogations generally involve an individual who is an active suspect or the identified offender. Officers/agents will advise the suspect/offender that the interview will be recorded, but consent to record is not required.
- B. When applicable, Miranda warnings will be given and waivers will be recorded. It is recommended that a signed Miranda Waiver be obtained. If Miranda requirements are not waived, the interrogation interview is over.
- C. All recorded interrogations will be recorded in their entirety, ensuring that the date, time, those present, and the purpose for the interrogation are identified.



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2-48 EVIDENCE OR PROPERTY

POLICY

OJS is responsible for the management of found, recovered, and evidentiary property accepted and stored in designated secure property storage areas accessible to authorized personnel.

RULES AND PROCEDURES

2-48-01 GENERAL

- A. Property may be acquired during an investigation in accordance with the law on searches and seizures, by subpoena, and by voluntary contribution. If anyone requests that property be taken into possession in any other manner, employees must explain that they do not have the authority to do so. All property that is acquired will be receipted.
- B. It is essential that officers properly identify and describe seized, recovered, and/or contributed property at or prior to the time possession is transferred to the investigator. Officers will carefully package items and properly identify the containers. If appropriate, officers will establish chain-of-custody and maintain a record of the chain of custody from the time possession transfers to the officer to the time of trial/disposition.
- C. Obscene material that is retained, as evidence must be clearly marked “Obscene” and stored in the Evidence Control Room (ECR).
- D. Restriction of ECR Access.
Access to the ECR is restricted to ensure evidentiary property is accounted for, retrievable, and can withstand defense challenges concerning chain of custody.
- E. Excess Volume or Size of Evidentiary Property.
If evidentiary property is of such volume that it cannot be stored in the ECR or similar facility within field office space, at the discretion of the Chief of Police, Supervisory Special Agent or Special Agent in Charge, it may be stored in a secure off-site facility. This off-site facility must meet the requirements for evidentiary storage as defined in the procedure for Designation of and Requirements for the Evidence Control Room (ECR). The Special Agent in Charge will identify the designated location for storage of these items.
 1. All material stored in an off-site facility is subject to the same administrative controls afforded the ECR.
 2. Every effort should be made to store evidence in a central location, preferably the ECR.



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F. Storage of Body Fluids.

1. At the discretion of the Chief of Police, Supervisory Special Agent, or Special Agent in Charge and based on the volume of investigative matters in which body fluid or stains are involved as evidence, the ECR should include a refrigerator/freezer used for storage of evidence in which the loss of genetic markers could be construed as destruction of evidence.
2. Refrigerators/freezers used to store evidence will not be used to store any other items (lunches, cold drinks, etc.).

G. Treatment of Seized or Recovered Property.

Property or items seized or recovered incidental to a search and seizure should be treated as evidence and maintained in the ECR.

H. Hazardous Materials.

Materials/items, including flash paper, live ammunition, explosives, radioactive materials, flammable liquids and solids; flammable and nonflammable gases, spontaneously combustible substances, and oxidizing and corrosive materials are currently considered hazardous materials.

1. All require special packaging and the amount of each item that can be shipped is regulated.
2. See the appropriate governmental manual for specific instructions regarding the handling of hazardous materials.
3. The Special Agent in Charge will identify locations where these areas may be stored if these materials cannot be stored safely within the ECR. The location will be appropriately posted.
4. Flammable, corrosive and explosive evidence will be stored in an approved GSA flammable storage locker.

I. Forfeited Property.

Property seized for forfeiture which is also evidence, is treated as evidence and maintained in the ECR during the forfeiture process.

J. Proper Documentation of Evidence.

The officer and/or the officer's supervisor is responsible for ensuring that seized, recovered and/or contributed evidence is properly documented in the Evidence Control System and that a *Receipt for Evidence or Property* is recorded in the case file on a timely basis, i.e., within five working days from date seized or recovered. If extenuating circumstances prevent handling within five working days, the supervisor will advise the Chief of Police, Supervisory Special Agent or Special Agent in Charge by memorandum of the reason for the delay and will place a copy of the memorandum in the case file.



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K. Joint Criminal Investigations.

In joint BIA/tribal or other criminal investigations, if necessary, it is permissible for an officer from a participating agency:

1. To record chain-of-custody on the *Receipt for Evidence or Property* when the officer is involved in the acquisition of the property documented on the *Receipt for Evidence or Property*, and
2. To participate in the verification and sealing of drug and valuable evidence as either the sealing official or the witnessing official.

L. Non-evidentiary Property.

Non-evidentiary property, if size permits, may be filed in the case file. Otherwise, non-evidentiary bulky property seized, subpoenaed, or contributed as a result of investigative activity is stored in a separate area within, or at the discretion of the Chief of Police, Supervisory Special Agent or Special Agent in Charge outside the field office in a space designated the "Bulky Storage Room." The Chief of Police, Supervisory Special Agent or Special Agent in Charge will identify this location and post accordingly.

M. Grand Jury Material.

Chain-of-Custody on Grand Jury Material (6E Material) is generally not necessary; thus the material can be stored in a secure area wherever necessary, based upon size or volume of the material or the need for investigator access and review, (i.e., an investigative unit, evidence section of the case file, Bulky Storage Room designated by the Chief of Police, Supervisory Special Agent or Special Agent in Charge, or an off-site storage facility if deemed appropriate).

1. Storage conditions limit access to persons having an official need.
2. Grand Jury material is documented in the case file on a timely basis on the *Receipt for Evidence or Property*.
3. If the Grand Jury material (whether it be original documents or machine copies) is susceptible to alteration or change through tampering by virtue of unrestricted access to the material and if any of this material has the potential to be introduced into evidence, chain-of-custody documentation may be required subjecting the material to the same administrative controls afforded evidence.

N. Interview Notes.

Original interview notes are not intended to be used as evidence at a trial, and questions raised by the defense with respect to them generally attempts to focus on inconsistencies between the original notes and the resulting case report. Just as it is not necessary to maintain chain-of-custody on the case report, it is not necessary to maintain chain-of-custody on original interview notes and they should be filed in the case file.



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O. Classified Material.

Classified material is handled in the same manner as other evidence with the exception that it is retained in a GSA approved storage receptacle appropriate to its level of classification with full consideration as to the necessary chain-of-custody accountability.

P. Evidence Control Technician (ECT).

The Chief of Police, Supervisory Special Agent or Special Agent in Charge will designate the ECT, and an alternate ECT(s) in writing. If any additional personnel are permitted access to the ECR, the Chief of Police, Supervisory Special Agent or Special Agent in Charge will designate in writing personnel who are permitted to have access to the ECR.

Q. Receiving and Logging Evidence.

The Chief of Police, Supervisory Special Agent or Special Agent in Charge will insure that the following procedures are followed in the handling of evidence.

1. All property is to be logged into agency records as soon as possible,
2. All property is to be placed under the control of the Evidence or Property control function before the officer ends his/her tour of duty,
3. A written report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained will be completed,
4. Guidelines for packaging and labeling property prior to storage will be followed,
5. Extra security measures will be followed for handling exceptional, valuable, or sensitive items of property,
6. Officers will make an effort to identify and notify the owner or custodian of property in the agency's custody, and
7. Procedures for the temporary and final release of property items from the control of the Evidence or Property function.

2-48-02 DESIGNATION OF AND REQUIREMENTS FOR THE EVIDENCE CONTROL ROOM (ECR)

A. The Chief of Police, Supervisory Special Agent or Special Agent in Charge will designate an area as ECR.

B. The area must meet the following requirements:

1. The ECR is a secured evidence storage area, which allows the isolation of evidence from all other items of property (i.e., lost and found property, property held for safekeeping or office equipment and supplies).
2. The door(s) is secured with a combination, three-position dial-type changeable lock, Medeco lock, cipher lock, card access or similar locking system and a deadbolt lock. Access doors to the ECR will be constructed of solid core wood or metal security type design.



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3. The ECR should provide proper ventilation.
4. Walls, floor and ceiling of the ECR are either constructed of a material, such as CMU (preferable with some reinforcement, such as poured concrete within the CMU units), which resists tampering) or in some manner reinforced to resist intrusion or wired with an alarm which will alert a constantly staffed location when intrusion or tampering with wall and door surfaces is attempted.
5. Any penetration of wall, ceiling, or floor (such as a window or an air handling duct which is large enough to allow intrusion [larger than 5½ inches in more than one dimension]) will be protected by addition of a grille or grate, secured from inside the ECR.
6. The ECR will be alarmed for fire, smoke, and intrusion detection if available.

2-48-03 RESPONSIBILITIES OF THE EVIDENCE CONTROL TECHNICIAN

- A. The Evidence Control Technician (ECT) is a law enforcement official designated by the Chief of Police, Supervisory Special Agent or Special Agent in Charge. He/she is the custodian of seized or recovered evidentiary and non-evidentiary property.
- B. The ECT will be familiar with:
 1. Procedures set forth in the DM 446, 68 BIAM, this section, and any local guidelines for the collection, identification, preservation, packaging and transmittal of evidence,
 2. Procedures for the handling and storage of hazardous chemicals, and
 3. Procedures for handling forfeited and abandoned property dispositions.
- C. The ECT will ensure that:
 1. Access to the ECR and other evidence storage facilities is limited to persons having an official need,
 2. All individuals entering the facilities will be escorted and
 3. Access will be recorded on the *Evidence Room Access Log* (4-60-A) maintained for the storage facilities.
 4. By physical examination of the property, the descriptive data entered into the Evidence Control System as furnished by the officer acquiring the property adequately reflects the property to be retained,
 5. The exact location of property is noted in the Evidence Control System,
 6. The exhibit number is recorded on the *Receipt for Evidence or Property* for the file,
 7. A *Receipt for Evidence or Property* is filed in the case file,
 8. A copy of the *Receipt for Evidence or Property* is attached to the property or placed in the binder/folder maintained in the drug or valuable evidence repository.



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- D. The ECT will ensure chain-of-custody documentation for evidence is recorded on the copy of the *Receipt for Evidence or Property* maintained with the evidence and in the Evidence Control System.
- E. The ECT will ensure that evidence is properly packaged for forwarding to other field offices, crime labs, Drug Enforcement Agency, or contributor and will note transmittal/disposition information in the Evidence Control System.
- F. The ECT will retrieve evidence from the ECR and any other evidence storage facility as requested by law enforcement personnel, accurately record chain-of-custody on the form maintained with the package copy of the *Receipt for Evidence or Property*, and in the Evidence Control System, produce a charge-out reminder report to ensure that property held over sixty days is either recharged or returned to the storage facility.
- G. Upon request, the ECT will retrieve non-evidentiary property from the facility and will charge out the property in accordance with established charge-out procedures.
- H. The ECT will maintain and monitor a record of property charged out to ensure non-evidentiary property held over 60 days is either recharged or returned to the facility.
- I. The ECT is responsible for tracking the disposition of property by making all reasonable efforts to return property to the contributor and to process property that has been declared abandoned in a timely manner. The ECT will generate a report of closed cases with pending evidence report and distribute this report to case agents for evidence disposition decision every 60 days.
- J. The ECT will dispose of property on the instructions of the Chief of Police, Supervisory Special Agent or Special Agent in Charge. This includes the actual destruction of property (except for drug evidence), its return to its rightful owner, or other methods as appropriate. If property has been declared abandoned and the decision has been made to convert it to the agency's use, the ECT will ensure that action is taken by property personnel to have the property placed on the field office inventory.
- K. The ECT may be required to testify in a court of law regarding evidentiary property for which he/she is responsible.

2-48-04 ACCESS - EVIDENCE CONTROL ROOM

- A. Access to the ECR and/or other evidence storage facility located within or outside field office space is strictly limited to the ECT and his designated alternate(s) who may or may not be accompanied by the other. Access by other employees is prohibited unless accompanied by the ECT, alternate ECT, or any other employee as outlined in letter C below, and documented on the *Evidence Room Access Log* maintained for the facility accessed.



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- B. In instances involving large seizures of evidentiary property that occur during off-duty hours (nights/weekends/holidays), the ECT/Alternate ECT will assist with cataloging, inventory, and storage of the seized/recovered property.
- C. The ECT and alternate ECT, when substituting for the ECT for one day or longer, will sign in and out on the Access Log only upon initial entry and final departure on a given day. Any other employee, including the alternate ECT, when the ECT is on duty, must sign in/out on the Access Log for each entry/exit on a given day.
- D. If the agency has on a regular basis more than one ECT or one ECR, access to the storage facility(s) is to be recorded on the Access Log as follows:
 - 1. If the ECT is assigned full-time to an ECR, the ECT must sign in/out on the Access Log for that ECR when the first entry/last exit of the day is made.
 - 2. Access to any satellite ECR must be recorded on the Access Log maintained for that satellite ECR for each entry/exit on a given day.
- E. In an emergency situation, access to an ECR is further limited to the ranking law enforcement official and/or senior special agent, accompanied by another law enforcement officer. The identities of these personnel will be documented in an evidence control file and updated as necessary. Any instance of emergency access must be documented by memoranda to the evidence control file in addition to the required documentation on the Access Log maintained for the ECR. If extenuating circumstances dictate the designating of additional employees for emergency access to the ECR(s), the Chief of Police, Supervisory Special Agent or Special Agent in Charge must request approval from the Deputy Bureau Director, OJS, or his designee.

2-48-05 CONTROL OF EVIDENTIARY PROPERTY

- A. For all general, drug and valuable evidence, officers will complete the Evidence Control System Form and the *Receipt for Evidence or Property*.
 - 1. They will record both in the case file within five working days from the date the property was seized/recovered.
 - 2. If extenuating circumstances prevent handling the evidence within five working days, the officer's supervisor will advise the Chief of Police, Supervisory Special Agent or Special Agent in Charge or designee by memorandum explaining the delay and include a copy of the memorandum in the case file.
 - 3. Chain-of-Custody and a record thereof must be maintained on evidentiary items from the time of acquisition to the time of trial/disposition.
- B. Officers will use two copies of the *Receipt for Evidence or Property*. One has a manual Chain-of-custody attached to the item to be maintained with the package and one for the file.



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- C. The copy of the *Receipt for Evidence or Property* maintained with the package also records the chain-of-custody. The signatures of persons, including the Evidence Control Technician (ECT), accepting custody must be recorded on the *Receipt for Evidence or Property* form as follows:
1. The first chain-of-custody entry is the employee who initially acquires the property as identified in the Evidence Control System entry.
 2. The second Chain-of-Custody entry is the individual to whom the property is first released. This may be the ECT or other individual that is recorded along with the date, time and reason for release.
 3. The third chain-of-custody entry is the signature of the ECT or other individual who accepts possession from the individual releasing it along with the date, time and reason for acceptance.
 4. Chain-of-Custody information continues in this fashion as the property changes hands. Chain-of-custody entries should not disclose that the exhibit is released to or accepted by the ECR; instead the entry should show the signature of the person accepting/releasing custody.
- D. Only the ranking law enforcement officer or a designated law enforcement supervisor may initial the *Receipt for Evidence or Property* for filing ensuring that the block stamp and their initials are legible on the copy of the form for file.
1. Prior to initialing the *Receipt for Evidence or Property*, the ranking law enforcement officer or designee will examine the exhibit with the acquiring officer to ensure that the property is evidentiary in nature, that it must be retained, and to ensure that items seized incidental to a search are not retained unnecessarily by the BIA.
 2. After initialing the *Receipt for Evidence or Property*, the property and the *Receipt for Evidence or Property* are furnished to the ECT for administrative handling and storage.
 3. The ECT will record the chain-of-custody on the form maintained with the package copy of the *Receipt for Evidence or Property* and in the Evidence Control System.
 4. The ECT will assign the *Receipt for Evidence or Property* an appropriate exhibit number.
 - a. If the *Receipt for Evidence or Property* was not noted on the Evidence Control System, the ECT notes, on the *Receipt for Evidence or Property*, the exact location within the ECR where property is stored (i.e., ECR, Shelf 10; Drug Repository, Safe 2, Drawer 1; Valuable Repository, Shelf 8; Off-site, Jones Mini-storage, 1010 Main Avenue, City and State; Locker 10; Resident Agency).
 - b. The ECT will ensure that the location of the property and the exhibit number are legible on each copy of the form.



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5. One copy of the *Receipt for Evidence or Property* bearing supervisory initials is filed in the evidence section of the case file.
 - a. If the item is general evidence (non-valuable, non-drug), the package copy of the Receipt for Property or
 - b. Evidence is affixed to and remains with the property until final disposition.
 - c. If the item is drug or valuable evidence, the package copy is not affixed to the property but filed in numerical sequence by file number in a binder/folder that is maintained in the drug and/or valuable evidence repository. The package copy may be reproduced if more than one copy is needed.
 6. The index copy (non-automated evidence control system only) of the *Receipt for Evidence or Property* serves as the Index of Property Acquired as Evidence.
 - a. A consolidated record of all index copies is maintained in the ECR in a binder labeled "Index of Evidence-Location".
 - b. The index copies are to be filed by evidence category (general, drug, and valuable) in numerical sequence by file number.
 - c. If a satellite ECR is established, the index copies of the *Receipt for Evidence or Property* is maintained in that location in a separate binder labeled "Index of Evidence-Location" and filed as noted above.
 7. When physical inventories are conducted, the inventories of non-automated evidence are reconciled with the index copies of the *Receipt for Evidence or Property* maintained by the ECT in the ECR.
- E. If circumstances prevent the immediate storage of evidence in the ECR, i.e., necessary for immediate review and analysis by the investigating officer, the property must be documented on the *Receipt for Evidence or Property* and approved by the appropriate supervisor and charged out to the investigating officer.
1. The ECT does not execute chain-of-custody until he/she physically takes custody of the property.
 2. The ECT is to assign an exhibit number to the *Receipt for Evidence or Property*, ensuring that the number is legible on each copy of the form. The location of the property is left blank and filled in when the property is presented for storage.
 3. The file copy of *Receipt for Evidence or Property* is filed in the evidence section of the case file or sub file.
 4. The ECT will use the Evidence Control System to produce 60-day charge-out reminders for these items.
- F. If circumstances dictate that officers immediately transmit evidence to another law enforcement agency and/or crime laboratory prior to giving it to the ECT for handling, officers must document the property and action on a *Receipt for Evidence or Property* and obtain the approval of the appropriate supervisor.
1. The officer will note:
 - a. Chain-of-custody (transmittal information) on the package copy of the *Receipt for Evidence or Property*, i.e., Forwarded to FBI HQ/Crime Laboratory,



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- b. Registered mail number or bill of lading number and date of transmittal letter or Hand carried to FBI, Crime Laboratory,
 - c. By whom transmitted, and
 - d. The date of transmittal.
 2. The officer will furnish the *Receipt for Evidence or Property* to the ECT.
 3. The ECT will not execute chain-of-custody information unless he/she physically takes custody of the property. However the appropriate information must be recorded in the Evidence Control System.
 4. The ECT will assign the *Receipt for Evidence or Property* a serial/exhibit number ensuring that the information is legible on each copy of the form.
 5. The file copy of *Receipt for Evidence or Property* is filed in the case file.
 6. The package copy of the *Receipt for Evidence or Property* is retained in the ECR and filed in a binder labeled "Evidence Sent to Other Agency or Crime Laboratory" according to the transmittal date. The ECT will ensure that the officer executes transmittal information (chain-of-custody) is on the form maintained with the package copy.
- G. Upon return of the evidence from another agency, the ECT will properly execute chain-of-custody on the form maintained with the package copy of the *Receipt for Evidence or Property*.
1. The ECT will attach the package copy to general evidence or file the package copy in the binder/folder maintained in the drug and/or valuable repository.
 2. The ECT will enter the chain-of-custody information into the Evidence Control System.

2-48-06 GENERAL EVIDENCE HANDLING

- A. The ECT will not accept for storage any firearms until they have been examined by the investigating officer and rendered safe. The officer will certify the examination by noting his name and the date of examination for safety on the reverse side of the package copy of the *Receipt for Evidence or Property*. Chain-of-custody information is recorded only if possession of a firearm changes during the safety examination.
- B. If documentary items have been admitted into evidence during court proceedings or serve a continuing law enforcement purpose, the items may be retained with the concurrence of the U.S. Attorney's Office.
- C. ELSUR evidence is treated as general evidence for record keeping purposes and handled in accordance with procedures set forth in the DM 446 or 689 BIAM or these guidelines.



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1. Generally, original and copies of ELSUR tape recordings are not to be stored in the ECR. However, in agency's in which the volume of original ELSUR tape recordings does not warrant a separate limited/restricted access storage location, the original tape recordings may be stored within the ECR in a modified steel wardrobe-type cabinet, security approved container, or metal file cabinet equipped with a bar-lock device, hasp, or other security-approved lock at the discretion of the ranking law enforcement officer.
2. Duplicate ELSUR tape recordings may be erased and reused or destroyed when no longer needed. If retention of duplicate ELSUR tape recordings is necessary, the duplicate tapes may be stored wherever necessary or in the Bulk Storage Room, not ECR.

2-48-07 DRUG EVIDENCE

- A. While in the agency's possession, drug evidence must be stored in one or more of the following types of storage facilities:
 1. Within the ECR, in a GSA approved security-type file cabinet with three-position changeable combination dial lock, other type of lock and/or a safe.
 2. In a separate room within the ECR or in an area within the ECR enclosed with thirteen (13) gauge, one (1) inch mesh steel wire.
 3. If the quantity of drug evidence is of such volume that it cannot be stored in the ECR or another secure facility within the field office space as noted above, it might be stored in a bonded warehouse provided that appropriate security and
 4. administrative controls are adhered to and chain-of custody is preserved.
- B. Drug evidence is stored in a reasonably controlled environment, because elevated temperatures or humidity may result in some drug decomposition.
 1. Marijuana and the crude preparations of some other drugs, such as cocaine, PCP, and methamphetamine, have a noxious smell and will require more than normal ventilation for odor control.
 2. Wet or freshly harvested marijuana will mildew if not thoroughly dried before being sealed and stored.
 3. It is also advisable to fumigate marijuana to curb insect growth within the bundle.
- C. Two officers (one to seal the evidence and one to weigh it) are responsible for ensuring that drug evidence is weighed/counted and verified before the evidence is sealed, transmitted to another law enforcement agency or laboratory, or placed in storage.
 1. The drug evidence, along with the original container, will be placed in an appropriate size plastic evidence pouch and weighed/counted.



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- a. The weighing should be done on a scale capable of weighing in gram increments and the weight recorded on the lower portion of the large evidence label.
 - b. If the drug seizure involves tablets or capsules, the number of tablets or capsules can be determined by actual count if the quantity is small or, if there are too many to count, by computation based on relative weights, i.e., count and weigh 100 units to determine a unit weight and then divide this weight into the net weight of the entire exhibit to determine the total number of units.
 - c. If liquids are involved, the gross quantity is reported by volume. Estimates are based on the known or apparent size of the container.
2. The agency's evidence label is used to seal the pouch if the plastic pouch is not heat-sealed.
- a. Officers will completely fill out the information required on the seal.
 - b. The seal will bear the signature or initials of the sealing officer or witnessing official as opposed to a printed name.
 - c. Officers will ensure that the completed evidence seal is placed on the outside of the envelope and is affixed horizontally across the opening of the envelope.
3. Officers will immediately fill out a large adhesive evidence label (1 1/4 x 5 1/4 inches furnished with the plastic pouches).
- a. The label will include the case file number, date of seizure/recovery, printed names of sealing and witnessing agent, and the approximate weight of the evidence noted on the lower portion of the label.
 - b. The label is affixed to the center of the plastic evidence pouch. Officers will exercise care in placing the label, because once it is applied, it cannot be removed without destroying the label.
4. Opening and resealing of drug evidence must be conducted in the presence of at least one other officer, and the reasons and procedures fully documented in the case report.
- a. The sealed plastic evidence pouch will be opened by cutting off the sealed upper edge with scissors or a paper cutter insuring that the evidence label is intact.
 - b. If the evidence is to be resealed, both portions of the used pouch are to be retained, placed in a new evidence pouch with the evidence and sealed according to the above instructions.
 - c. Opening and resealing drug evidence is to continue in this fashion.
- D. Laboratory analyses of seized drugs is conducted by the laboratory(s) that has been designated by the ranking law enforcement officer. The transmittal to and return of drug evidence from the designated laboratories is to be recorded on the package copy of the *Receipt for Evidence or Property* and the Evidence Control System.



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2-48-08 USE OF DEA LABORATORIES

- A. Officers will use DEA Form 7 (Report of Drug Property Collected, Purchased or Seized), a six-part form (original and five copies) when transmitting drugs to a DEA Laboratory.
1. DEA Form 7 will be transmitted to the appropriate DEA regional laboratory by cover communication.
 2. If evidence is hand carried to the DEA laboratory, the complete DEA Form 7 will be submitted with the evidence. The DEA Agents and DEA Laboratory Evidence Technician will complete items 18 through 23 on the form. Copy six will be furnished to the transporting officer and is to be block stamped and filed in the case file.
 3. To maintain the integrity of the drug evidence and to avoid unnecessary handling and possible exposure to toxic materials, personnel should not attempt to transfer drug contents from the original package, wrapper or container. Requests for analyses of drug contents and subsequent latent fingerprint or laboratory examinations of the packaging material itself for handwriting, or other type of forensic laboratory analyses, should be submitted to the DEA Laboratory and the appropriate information noted in the "Remarks" section of DEA Form 7. The DEA chemist will conduct the chemical analysis, and then forward the items directly to the designated investigator.
 4. Drug evidence returned from the DEA laboratory will not be opened but will be placed in storage as received.
 - a. The evidence is occasionally removed from the original container(s) by the DEA chemist and returned to the submitting office in a substitute container(s) causing uncertainty as to whether the returned evidence is identical to the submitted evidence.
 - b. In this case, the ECT will place a brief notation on the package copy of the *Receipt for Evidence or Property* stating the number of sealed containers returned from the DEA Laboratory and the DEA laboratory numbers that appear on the containers and make appropriate modifications in the Evidence Control System to accurately describe the evidence in storage.

2-48-09 BULK DRUG SEIZURES

- A. Effective 4/14/88, the Department of Justice issued a Final Rule Governing the Destruction of Contraband Drug Evidence in the Custody of Federal Law enforcement authorities which permits sampling and retention of a representative portion of seized drugs and permits the pretrial destruction of the bulk of the seized drug evidence without judicial intervention or the filing of a Notice of Intent. The policy is not retroactive and cannot be used to authorize destruction of bulky drug evidence seized prior to 4/14/88.



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- B. A threshold amount of seized Schedule I or II drugs are to be retained and stored as evidence pending conclusion of trials and appeals. The bulk of the drug evidence in excess of the threshold amount may be destroyed at the direction of the ranking law enforcement officer after 60 days from the date that the written notice of seizure is provided to the appropriate United States Attorney's Office. Prosecutors have two options:
1. Within 60 days of notification they may agree to the destruction or,
 2. In writing, they may request the responsible law enforcement officer retain more than the threshold amount when destruction would significantly affect legal proceedings.
- C. With the exception of marijuana, the threshold amount of specific Schedule I and II Controlled Substances are set out below.
1. Threshold amounts should be exceeded by 10 percent of weight or volume to offset the weight of packaging materials. For example, the threshold amount for cocaine is 10 kilograms. Since the weight will be determined based on the total weight of the seizure, including packaging materials, 10 percent, or one additional kilogram, should be retained as the threshold amount to insure that corresponding mandatory minimum sentencing requirements are met.
 2. Two kilograms of a mixture or substance containing a detectable amount of heroin.
 3. Ten kilograms of a mixture or substance containing a detectable amount of:
 - a. Coca leaves, except leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed
 - b. Cocaine, its salts, optical, geometric isomers, and salts of isomers;
 - c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - d. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to in 1-3 above.
 4. Ten kilograms of a mixture of substance that contains cocaine base.
 5. Two hundred grams of phencyclidine (PCP) or two kilograms of a mixture of substance containing a detectable amount of PCP
 6. Twenty grams of mixture or substance containing a detectable amount of Lysergic Acid Diethyl amide (LSD).
 7. Eight hundred grams of a mixture or substance containing a detectable amount of N-phenyl-N (1-[2-phenyl ethyl]-4-piperidinyl) propanamide (commonly known as fentanyl) or two hundred grams of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N (1-[2-phenyl ethyl]-4-piperidinyl) propanamide.
 8. Twenty kilograms of hashish or two kilograms of hashish oil.



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9. Two kilograms or 2,000 dosage units, (tablets, capsules, or as determined by the regional DEA laboratory), if a mixture or substance containing a detectable amount of any Schedule I or II controlled substance in the Controlled Substances Act for which no specific threshold amount has been identified.
 10. There is no threshold amount defined for marijuana; instead a representative sample will be retained.
- D. An example of the relationship between threshold amounts and bulk amounts is provided. A shipment consisting of 50 kilograms of cocaine is seized. The threshold amount for cocaine is 10 kilograms. Therefore, after the total shipment is weighed, photographed and documented in the case file, the 10-kilogram threshold amount will be retained and stored in the drug repository pending conclusion of trial. The 40 kilogram bulk amount will also be stored in the drug repository but will be destroyed after 60 days from the date of the letter giving the United States Attorney notice of the letter giving the exception for destruction is filed by the United States Attorney.
- E. All non-liquid bulk drug evidence seizures, except marijuana, are to be photographed, sealed and packaged in accordance with the following procedures:
1. Photograph or videotape, if appropriate, the entire seizure in place using photographic formats of 35 mm or larger.
 2. Thereafter, transport the seizure, if practical, to a secure location for further documentation.
 3. Off-load and stack the total drug seizure to ensure that photographs will depict the true volume and extent of the seizure.
 4. Each photograph must be self-documenting.
 - a. A sign or placard will be displayed in each photograph.
 - b. The sign/placard displays:
 - 1). The case number,
 - 2). Names of the seizing officers,
 - 3). Date, time and place of seizure,
 - 4). The estimated weight of the total seizure (clearly marked as an estimate), and
 - 5). The exhibit number of the seizure.
 - c. For purposes of the DEA Form-7, a bulk seizure of drugs seized at the same time and location, and consisting of the same apparent substance, constitutes a single exhibit.
 - d. A yardstick, ruler or other measuring device must be positioned in each photograph to provide a true scale to the photographic exhibit.
 - e. Two full sets of photographs of the total bulk seizure are to be provided to the United States Attorney and two full sets are to be filed, depending on size, in the exhibit section of the case file or documented on the Receipt for Receipt for Evidence and stored in the Bulky Storage Room. Each set of photographs should bear the date, name, and initials of the photographer.



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5. Each package or container in the bulk drug seizure is to be marked with the initials of the seizing officer and one witnessing officer, the date of seizure and the case file number. Where practical, these markings should be made directly on the container or wrapping material containing the drug evidence using a permanent marker.
6. The use of plastic evidence pouches is not practical in bulk evidence seizures. Therefore, the entire bulk shipment must be packaged in boxes or cartons of uniform size.
 - a. Each box should contain no more than 15-20 kilograms of substance and should be packed as full as possible.
 - b. Packing material should be added if required to ensure that boxes will not be crushed when stacked and transported.
7. Each box or carton is to be closed in the following manner.
 - a. Cartons are closed with fiber reinforced plastic tape ensuring that the tape encircles the carton and that tape ends meet or overlap.
 - b. A large evidence label is to be filled out to include the date of sealing, the printed names of the sealing and witnessing officers and the case file number and affixed to each box/carton to ensure that the label covers both ends of the plastic reinforced tape.
 - c. The evidence label should be covered with clear plastic tape to ensure that information is not obliterated during transport and handling.
 - d. Each box/carton is to be numbered consecutively, (1 of 10; 2 of 10; etc.) with permanent markers in large print.
 - e. Each box/carton should also be marked with the number of packages it contains.
8. The entire bulk drug evidence seizure is to be submitted to the designated DEA Laboratory accompanied by a properly executed DEA-7 form listing the total seizure as a single exhibit and including an estimated weight of the total exhibit.
 - a. If the seizure is exceptionally large, the shipment should be personally delivered to the DEA Laboratory by two or more officers to ensure that a proper chain-of-custody is maintained.
 - b. The transmittal is to be recorded in the Evidence Control System.
9. The DEA laboratory will conduct sampling procedures and separate the seizure into two portions: the threshold amount to be retained pending conclusion of trials and appeals and the remaining bulk amount which may be destroyed at the direction of the Special Agent in Charge after 60 days.
 - a. Upon completion of the analysis, the DEA Laboratory will return both portions, packaged separately, to the submitting law enforcement agency for storage.
 - b. The ECT will record receipt of the evidence in the Evidence Control System, execute chain-of-custody on the form maintained with the package copy of the *Receipt for Evidence or Property*, and will place the threshold and bulk portions of the drug evidence in the drug storage repository. The use of a bonded warehouse is mandated when space in the drug repository is unavailable for storage of the bulk portion of drug seizures.



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- F. Individual marijuana seizures of up to ten kilograms may be directly submitted to the DEA. Bulk seizures of marijuana in excess of 10 kilograms will be reduced to a representative sample as follows:
1. Bulk marijuana seizures are to be photographed. Additional photographs will also be required to document the representative sampling technique in the following manner:
 - a. Extract a one-kilogram sample from one bale or container in the shipment.
 - b. Place a clearly visible marker bearing the letter "a" at the location from which this sample was drawn and photograph each location and marker.
 - c. Proceed to extract additional samples of approximately five grams each from ten other locations dispersed throughout the shipment.
 - d. Prepare markers bearing the letters, "b" through "k" for each of the ten locations and photograph the location and marker.
 - e. With all of the above "a" through "k" markers clearly in place, photograph the entire seizure as often as necessary to depict the dispersal of sampling locations throughout the shipment.
 2. Each "a" through "k" sample is to be separately placed in a plastic evidence pouch and sealed. These evidence pouches are considered "sub-exhibits" to the total seizure, which is considered a single exhibit.
 3. The DEA-7 is completed listing the total bulk seizure as a single exhibit with an estimated total weight. The representative samples "a" through "k" are listed on the DEA 7 on one line preceded by the exhibit number assigned to the seizure, i.e., "Sub-exhibits 1a - 1k".
 4. The sub-exhibits are placed in a single carton or container for transport to the DEA Laboratory.
 - a. The carton/container is to be properly wrapped and secured. However, evidence-sealing procedures need not be conducted since each sub-exhibit is sealed in-a separate plastic evidence pouch.
 - b. The total weight of the representative sample (all sub-exhibits) should not normally exceed two kilograms.
- G. The gross and net weights of all bulk drug seizures, except marijuana, are determined by the DEA Laboratory. In the case of marijuana seizures, only the representative sample is submitted to the DEA Laboratory for weighing and analysis. It is imperative that precise weighing procedures are conducted and documented in bulk marijuana seizures which approximate or exceed 1,000 kilograms as enhanced penalties and mandatory minimum sentencing guidelines are weight-based.
1. The seized marijuana shipment should be separated from any concealment devices prior to weighing. Similarly, the marijuana should be removed from the conveyance or container to permit the use of a more precise tare (container) weight; however, in the case of loose (baled) marijuana, it may not be practical to do so.



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2. The use of a rental van or truck for transport and weighing is recommended since many commercial rental companies post the weight of the vehicle (tare) on the truck or van.
3. The use of state-highway-operated and calibrated truck scales is also recommended. The rental van or truck should be weighed fully loaded en route to the storage facility and reweighed empty after off-loading. All procedures must be documented in the case report and weight documentation retained and documented on the *Receipt for Evidence or Property* to be preserved as evidence. Actual weights must be obtained; estimated weights based on extrapolation will not survive defense challenges.

2-48-10 VALUABLE EVIDENCE

- A. Generally, seized currency subject to criminal or civil forfeiture is delivered to the U.S. Marshals Service for deposit in the Seized Asset Deposit fund. The ECT records this transfer in the Evidence Control System. However, if the seized currency serves a significant independent, tangible, evidentiary purpose, i.e., presence of fingerprints, packaging in an incriminating fashion, or the existence of a traceable amount of narcotics residue on the bills, the currency will be retained pending final disposition of the investigative matter.
- B. Valuable evidence is independently counted/verified by two officers (one designated sealing officer, the other witnessing officer) for the purpose of verifying the accuracy of the count and/or detecting any errors before the evidence is sealed and placed in storage.
 1. Officers will place the evidence in an appropriate size plastic evidence pouch and the sealing agent will fill out an Evidence Label (small adhesive sealing tag) to include the signature or initials of the sealing or witnessing officer, date of sealing, case file number and name of acquiring office and adhere it to the center of the pouch directly over the opening, and heat-seal (if possible) the opening and tag.
 2. Officers will immediately fill out a large evidence label (3 1/4 x 5 1/4 inches furnished with the plastic pouches pouch) to include the case file number, exhibit number, date of seizure/recovery, printed names of sealing and witnessing Agent and adhere it to the center of the plastic evidence pouch. Officers will exercise care in placing the label as once it is applied, it cannot be removed without damaging/destroying the label.
- C. Opening and resealing of valuable evidence must be conducted in the presence of at least two Agents and the reasons and procedures fully documented in the case report.
 1. The plastic evidence pouch is opened by cutting off the sealed upper edge with scissors or a paper cutter ensuring that the Evidence Label is intact.



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2. If evidence is resealed, both portions of the used pouch are to be retained, placed in a new plastic pouch with the evidence and sealed following the above procedures.
 3. Opening and resealing valuable evidence is to continue in this fashion.
- D. If valuable evidentiary items are of such size as to preclude the use of a plastic evidence pouch, i.e., artifacts, the property is wrapped in brown paper and secured with evidence tape ensuring that the tape encircles the package and that the tape ends meet or overlap.
1. The large evidence label is adhered to the package ensuring that the label covers the ends of the evidence tape.
 2. In such instances, the size of the property may also preclude storage in the valuable repository; therefore, the property may be stored within the Evidence Control Room in an additionally secured area to prevent damage.
- E. Valuable evidence must be afforded maximum security while in the agency's possession and is stored in one or more of the following type storage containers:
1. Within the ECR in GSA approved security-type file cabinet(s) or safe with combination three-position dial-type changeable lock.
 2. In a separate room within the ECR or in an area within the ECR enclosed with thirteen (13) gauge, one (1) inch mesh steel wire. Open shelf filing is permissible in a separate secure room within the ECR or the wire cage when constructed and secured in the above fashion.

2-48-11 TEMPORARY STORAGE OF VALUABLE AND DRUG EVIDENCE

- A. Agency's may use a GSA approved security-type cabinet(s) with three position changeable combination dial lock or safe for temporary storage of drug and valuable evidence.
1. The security-type cabinet or safe should be located in the space utilized by the field office's night staff.
 2. Access to the security-type cabinet/safe is limited to the ECT/Alternate ECT.
 3. Each instance of access including access by the ECT/Alternate ECT must be documented on the Access Log maintained for the temporary storage facility to establish a reliable record of persons gaining entry to the temporary storage facility to include reason for entry, case number, exhibit number (when available), and the date and time of entry/exit to successfully defend any chain-of-custody challenges.
 4. Drug and/or valuable evidence presented for temporary storage must be accompanied by a *Receipt for Evidence or Property*. Chain-of-Custody is to be recorded on the form maintained with the package copy of the *Receipt for Evidence or Property*.



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- B. If the Chief of Police, Supervisory Special Agent or Special Agent in Charge, ranking law enforcement officer, or senior special agent have a safe, it is not to be used for the temporary storage of drug and/or valuable exhibits. In those instances when seizures of drug and/or valuable evidence are anticipated during off-duty hours (nights, weekends/holidays), the services of the ECT/Alternate ECT may be utilized to assist with cataloging and labeling the evidence.

2-48-12 STORAGE OF EVIDENCE FOR SPECIAL AGENTS

- A. Evidence that is needed at the Agency for officer review/analysis, court proceedings, etc. may be stored temporarily within Agency space in a safe/vault or security-type file cabinet(s) with three position changeable combination dial lock or other secure locking system.
1. Access to the temporary storage facility is limited to personnel designated by the investigative agencies. Access by other employees is prohibited unless accompanied by the Agency's ECT.
 2. The Access Log is maintained for the facility and each instance of access must be recorded thereon to include identity of person(s) gaining entry, reason for entry, case file number and serial/exhibit number, and the date and time of entry/exit to successfully defend any chain-of-custody challenges.
 3. Evidence stored temporarily in an Agency must be charged out/recharged by the agency ECR.
- B. At the discretion of the Supervisory Special Agent (SSA), an ECR may be established in an Agency and all rules and regulations applicable to evidence storage and handling must be adhered to.
1. Drug and valuable evidence may be stored in a bank safe-deposit box.
 2. An employee in the Agency is to be designated "Evidence Control Technician (ECT)" to be directly responsible for the record keeping, storage, and maintenance of evidence in the Agency.
 3. In the event bank safe-deposit boxes are used and the designated ECT is a support employee, he/she must be escorted to and from the bank by an armed officer.
 - a. The ECT will maintain an Access Log for the ECR and the drug and/or valuable repository. Each instance of access must be recorded on the Access Log to include the identity of person(s) gaining entry, reason for entry, case file number and serial/exhibit number, and the date and time of entry/exit to successfully defend any chain-of custody challenges.
 - b. Access to the ECR and/or bank safe-deposit box is strictly limited to the ECT and the Supervisory Special Agent who do not need to accompany each other when entering the ECR. Access by other employees is prohibited unless accompanied by the ECT or SSA.



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- 1). Access is to be documented on Access Log.
 - 2). If drug and valuable evidence is maintained in a bank safe-deposit box, the names of the ECT and SSA are to appear on the bank access signature card and documented in the field office evidence control file by memorandum and updated as necessary.
- c. The SSA may initial the *Receipt for Evidence or Property* for filing ensuring that the block stamp and his initials are legible on each copy of the form.
- 1). Prior to initialing the *Receipt for Evidence or Property*, the SSA will examine the property with the acquiring officer to ensure that it is evidentiary in nature, that it is necessary for retention and to ensure that property seized incidental to a search and seizure is not retained unnecessarily by the agency.
 - 2). The *Receipt for Evidence or Property* and the property is furnished to the Agency ECT for administrative handling as follows:
 - a). The exact location of the property is to be legibly noted on each copy of the Receipt for Receipt for Evidence . Chain-of-Custody is documented on the form maintained with the package copy of the Receipt for Evidence or Property.
 - b). The file copy of the Receipt for Receipt for Evidence is forwarded to the Area Office ECT who will assign the Receipt for Receipt for Evidence a serial/exhibit number; note the exhibit number on the file copy; file the Receipt for Receipt for Evidence in the case file. If original files are maintained in the Agency, these functions will be performed at the Agency.
 - 3). The Area Office ECT is to promptly provide the Agency ECT with the exhibit number to be placed on the package copy of the *Receipt for Evidence or Property*, and when applicable, on the evidence label attached to the plastic pouch containing drug or valuable evidence.
 - 4). The Agency ECT is to attach the package copy of the *Receipt for Evidence or Property* to general evidence where it will remain until final disposition, or file the package copy of the *Receipt for Evidence or Property* for drug and valuable evidence in numerical sequence by file number in the binder/folder maintained in the drug and/or valuable repository.
- C. If the Agency is not supervised by a COP or SSA, the exact location of the property is to be noted on the *Receipt for Evidence or Property* ensuring that the location is legible on each copy of the form and furnished to the Special Agent in Charge for review and approval. Upon approval, the Area and Agency ECT's are to follow the above instructions concerning administrative handling of the *Receipt for Evidence or Property*.
- D. To maintain an effective and viable evidence record keeping system, the Agency ECT is to promptly modify the Evidence Control System record to reflect changes in the location of the property and any type transmittal/disposition information.



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2-48-13 TRANSMITTAL OF EVIDENCE TO AN AREA OFFICE, OTHER LAW ENFORCEMENT AGENCY, OR LABORATORY

- A. As a general rule, evidence seized/recovered by Agency personnel is stored at the agency ECT who handle transmittal of such evidence to another field office/FBI HQ/DEA Laboratory, and may be transmitted directly provided the aforementioned guidelines are adhered to. Otherwise, Agency investigating officers may only transmit evidence directly to another field office/District Office/DEA or other Laboratory in those instances where the urgency of a particular situation demands expedient handling or in those instances when the bulk of the evidence is such that to ship through the District Office for subsequent shipping elsewhere would be impractical. In such instances and those instances where the Area Office/DEA or other laboratory returns evidence directly to an Agency, a copy of the communication transmitting/returning the evidence must be furnished to the District Office ECT for appropriate administrative handling.
- B. The ECT is responsible for properly preparing evidence for mailing/shipping. However, the investigating officer is responsible for ensuring that valuable and/or drug evidence is properly sealed and packaged for shipment.
- C. Due to chain-of-Custody requirements, all evidence sent through the U.S. Postal Services (USPS) system must be by registered mail, not by parcel post, regular mail, or express mail. If the United Parcel Service, Federal Express, or airfreight is used, utilize their “acknowledgment of delivery” “protective signature,” “security signature”, or any other such service which provides the same protection as USPS registered mail.
- D. If evidence is being transmitted from one field office to another, the evidence must first be entered into the Evidence Control System and the *Receipt for Evidence or Property* printed and recorded in the case file. Valuable and drug evidence must be sealed or if opened, resealed before being transmitted. The package copy of the *Receipt for Evidence or Property* must accompany the evidence when transmitted between field offices.
 1. The ECT in the transmitting office will record chain-of custody on the form maintained with the package copy, i.e., the identity of the office to which the evidence is being sent, the registered mail number or bill of lading number under which the evidence is being transmitted, and the date of the transmittal communications; record identical transmittal information on the original *Receipt for Evidence or Property* in the case file and in the Evidence Control System.
 2. The *Receipt for Evidence or Property* Form is used even for transfers within the office. This form is to be executed by the ECT in the transmitting office and placed in the package with the evidence.



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3. The ECT in the receiving office will record chain-of-custody information on the form maintained with the package copy. The receiving office may block stamp the package copy of the *Receipt for Evidence or Property* accompanying the evidence and make a machine copy for the case file. The machine copy for the case file should be marked “Treat as Original.” The receiving office may duplicate another copy from the Evidence Control System and maintain the chain-of-custody received with the new package copy.
- E. If evidence is being transmitted from a field office to the District Office and/or DEA or other laboratory, it must first be documented on the *Receipt for Evidence or Property* in the case file. Valuable and/or drug evidence must be sealed or if opened, resealed before being transmitted.
1. The ECT in the transmitting office will record chain-of custody on the form maintained with the one on the package copy, i.e., “Forwarded to BIA/DEA Lab,” registered mail number or bill of lading number under which evidence is transmitted and the date of the transmittal letter and note transmittal information on the chain-of-custody form and in the Evidence Control System. The package copy of the *Receipt for Evidence or Property* is retained in the ECR and filed in a binder/folder labeled “Evidence Sent to District Office/DEA or other laboratory” according to date of transmittal.
 2. The *Receipt for Evidence or Property* is executed by the ECT in the transmitting office and placed in the package with evidence transmitted between field offices and field offices and the District Office.
 3. The receiving laboratory and/or field offices will execute the remaining portion of *Receipt for Evidence or Property* and return it to the sending office, Attention: Evidence Control Technician, who is to prepare to file it in the evidence section of the case file.
 4. When the evidence is returned, the ECT will record the chain-of custody on the form maintained with the package copy of the *Receipt for Evidence or Property* and in the Evidence Control System.
 - a. If general evidence, affix the package copy to the evidence.
 - b. If drug or valuable evidence, place the package copy in the binder/folder maintained in the drug and/or valuable repository.

2-48-14 CHARGE OUT PROCEDURES FOR EVIDENTIARY PROPERTY

- A. Evidence stored in the ECR or other evidence storage facilities may be charged out to any employee having an official need for it. Evidence may be charged out for sixty calendar days and recharged at the end of sixty days and, if necessary, every sixty days thereafter as follows:
1. The ECT is to record chain-of-custody on the form maintained with the package copy of the *Receipt for Evidence or Property* and in the Evidence Control System.



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2. The original package copy should remain with the evidence. The employee who accepts custody of the evidence must take care to ensure that chain-of-custody information is recorded on the form maintained with the package copy of the *Receipt for Evidence or Property*.
- B. If the evidence is to be recharged, the person to whom it is charged initials next to that item on the *Evidence Charge Out Report* and returns the report to the ECT. The ECT provides 2 copies of the Charge Out Report and maintains one to reconcile responses from each investigating officer. The ECT must generate a report of charged out evidence at 60-day intervals until the items are returned to storage.
 - C. Upon return of the evidence, the ECT is to record chain-of-custody on the form maintained with the package copy and in the Evidence Control System.
 - D. If evidence is accessed for review/examination while in the ECR or other storage facility, and if possession changes or if a seal is broken for examination, chain-of-custody must be executed on the form maintained with the package copy of the *Receipt for Evidence or Property*, in the Evidence Control System, and the required documentation on the Access Log maintained for the facility must be recorded. If possession does not change and no seal is broken for examination, chain-of custody need not be executed; however, a notation should be made on the package copy of the *Receipt for Evidence or Property* to document the review, and access is to be recorded on the Access Log.

2-48-15 EVIDENCE RELEASED TO THE CUSTODY OF OUTSIDE AGENCIES

- A. When evidence is permanently released to the custody of an outside agency, chain-of-custody documentation is to be recorded on the form maintained with the package copy of the *Receipt for Evidence or Property* and in the Evidence Control System.
 1. The ECT will obtain a receipt for the property from the receiving agency and will file it in the evidence section of the case file.
 2. When money is involved, the receipt should clearly indicate the receiving agency has counted the money and the amount is correct.
 3. The ECT will note the disposition in the case file, i.e., "Released to the custody of the USA by SA Tom B. Jones on 5/28/88 - See 1A-5".
 4. The ECT will modify the Evidence Control System record to reflect the disposition.
 5. If one of several items, as opposed to all items listed on the Receipt for Receipt for Evidence is released, appropriate notations are to be placed on the original, and package copies of the Receipt for Receipt for Evidence adjacent to those items. The package copy of the Receipt for Receipt for Evidence is kept with the remaining items of property pending final disposition of all items.



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- B. When property is temporarily released to the custody of an outside agency, chain-of-custody is recorded on the form maintained with the package copy of *Receipt for Evidence or Property* and in the Evidence Control System, i.e., Forwarded to DEA Laboratory, the registered mail number or bill of lading number under which the evidence is being transmitted, and the date of the transmittal communication.
1. The package copy of the *Receipt for Evidence or Property* is retained in the ECR in a binder/folder labeled "Evidence Sent to DEA Laboratory".
 2. When the evidence is returned, chain-of-custody is to be recorded on the form maintained with the package copy of the *Receipt for Evidence or Property*.
 3. If it is general evidence, the package copy is affixed to the property.
 4. If it is drug and valuable evidence, the package copy is placed in the binder/folder maintained in the drug and/or valuable evidence repository.

2-48-16 PHYSICAL INVENTORIES OF EVIDENTIARY PROPERTY

- A. Physical inventories of non-automated evidentiary property maintained in the District Office and Agencies are to be conducted as follows:
1. A sample inventory of general evidence at least once in a twelve month period as determined by the ranking law enforcement officer.
 2. 100% unannounced inventory of drug and valuable evidence at least once in a twelve month period as determined by the ranking law enforcement officer, not to coincide with the yearly sample inventory of general evidence.
 3. 100% of drug and valuable evidence upon the arrival of a new ranking law enforcement officer.
 4. 100% inventory of general, drug, and valuable evidence when there is a change in the ECT, to be conducted jointly by the incoming and outgoing ECT.
 5. 100% inventory of all evidence before and after ECR relocation.
 6. An inspection to determine adherence to procedures used for the control of property is conducted semi-annually by the ECT.
 7. Any other time when the ranking law enforcement officer deems an inventory is necessary.
- B. The ranking law enforcement officer will designate a supervisory officer not normally involved in evidence handling, to conduct and/or assist with the conduct of the inventories.
- C. The inventories of non-automated evidence are reconciled with the index copies of the *Receipt for Evidence or Property*, maintained in the ECR.
- D. Employees conducting an inventory (non-automated) are required to sign in and out on the Access Log to include time and date of entry/exit and stated reason as "inventory."



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- E. Chain-of-custody or other comments in the remarks section on the package copy of the *Receipt for Evidence or Property* are not required. Any discrepancies noted when conducting the inventory and steps taken to resolve the discrepancies are to be documented by memorandum. At the conclusion of the inventory, the index copies of the *Receipt for Evidence or Property* will be returned to the appropriate index of evidentiary property binder.
- F. If the sample inventory reveals an un-resolvable error in any category, (general, drug and valuable evidence) an inventory of all evidence will be to be conducted. The ranking law enforcement officer is to advise the Special Agent in Charge and the Associate Director, OJS, setting forth the unresolved discrepancies, steps being taken to resolve the discrepancies and, at the discretion of the ranking law enforcement officer, recommendations for administrative action.
- G. Discrepancies and steps taken to resolve the discrepancies are to be noted on the reverse side/or attached by memorandum to the appropriate index copy (non-automated) of the *Receipt for Evidence or Property*.
- H. To document the inventory, the persons conducting the inventory will complete memoranda to and place them in the control file specifically designated "Inventory of Property Acquired during Investigations" to document that the physical inventory was conducted.
 - 1. Memoranda indicate the date(s), name(s) of individual(s) who conducted the inventory, deficiencies detected and steps taken to resolve the deficiencies.
 - 2. The index copies of the *Receipt for Evidence or Property* used for the inventory are to be reproduced and attached to the memoranda.
 - 3. The memoranda and enclosures are to be retained from inspection to inspection.
- I. Physical inventories of automated evidence maintained in the District Office and Agencies are to be conducted at the same frequency as non-automated evidence, however all types of evidence will be 100% inventoried. The Evidence Control System inventory will identify any items described in the system which were not located during the inventory, items located but unidentified in the System and it will correct location identifiers for items located in areas other than that noted in the System.
- J. The final copy of the report will be included as an enclosure with the memoranda prepared for the control file "Inventory of Property Acquired during Investigations" to document that the physical inventory was conducted.



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2-48-17 DISPOSITION OF PROPERTY

- A. Prior to closing a case, it is the responsibility of the investigating officer to dispose of seized, recovered, or contributed property when there is no further need for retention. Wherever there is reasonable doubt regarding the need for retention, the appropriate prosecutor should be consulted and the contact recorded in the case file.
- B. The Evidence Control Technician will monitor disposal of found, recovered, and evidentiary property to ensure disposal is accomplished within six months after legal requirements have been satisfied.
- C. Certain case files will be marked for “Permanent Retention” and will eventually be transferred to the National Archives and Records Service.
 1. In such instances, only those evidentiary and non-evidentiary exhibits, regardless of size, that are documentary in nature, generated by and considered BIA records, i.e., Agents’ interview notes, photographs, work papers, ledgers, journals, etc., are to be preserved as part of the case file.
 2. Documentary materials, i.e., records of private enterprises, original or copies, contributed, seized or subpoenaed should be returned to the rightful owner when the investigative or administrative purpose for which they were obtained has been satisfied.
 3. Likewise, physical property, i.e., typewriters, radios, televisions, firearms, etc., are to be returned to their rightful owner.
- D. Disposal of evidence or contraband must be consistent with the Federal Rules of Evidence and in accordance with appropriate laws and regulations after consultation with the appropriate prosecutor. A brief summary is set forth as follows:
 1. The investigating officer will attempt to notify the owner/contributor of the property, telephonically or in person, and advise that the property may be reclaimed within 20 calendar days and that the property will be released to him/her or his/her authorized agent, upon the signing of a *Receipt for Evidence or Property*. Record in the case files the fact that the contact was made.
 2. If property is personally returned to the owner/contributor, the *Receipt for Evidence or Property* will be properly executed and a copy furnished to the owner/ contributor.
 - a. The original of the *Receipt for Evidence or Property* is placed in the evidence exhibit section of the case file.
 - b. If the owner/contributor requests that the property be returned by mail, it is to be sent by registered mail, return receipt requested.
 - c. When the return receipt (Postal Form 3811) is returned to the field office, it will be placed in the evidence/exhibit section of the case file.



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3. If the property is not claimed by the owner/contributor by the end of the 20 day informal claim period, the ranking law enforcement officer will send written notification, Registered Return Receipt, to the owner's/contributor's last known address. Included in this written notification is a statement advising the owner that if he/she fails to claim the property within 30 days of receipt of the letter, title to the property will vest in the United States.
 4. If the property remains unclaimed after 30 days from receipt of the letter, the ranking law enforcement officer will advise the appropriate Property Management Unit so abandonment proceedings can commence. Following vesting of title, the office responsible for processing the abandonment will be provided with instructions concerning disposition of the property.
 5. If the agency has requested retention of the property for official use following vesting of title and this request is approved, the property will be processed for inventory purposes in accordance with existing property management regulations.
 6. If the lawful owner of the property is unknown; it is the responsibility of the appropriate property management section to initiate abandonment proceedings against the property pursuant to Federal Statutes and Regulations.

A complete description of the property together with its value and the circumstances, under which it was seized, should be referred to the appropriate property management section as soon as possible. Based upon its estimated or appraised value, Property Management will process the property and will advise the agency office with instructions concerning disposition of the property.
- E. The ECT is responsible for ensuring the following record keeping procedures are followed when evidentiary and non-evidentiary property is disposed of:
1. The package copy of *Receipt for Evidence or Property* reflects the type of disposition and is placed in the evidence/exhibit section of the case file. The Evidence Control System records must be modified to reflect the date and method of disposition.
 2. A notation regarding the disposition and reference to the package copy filed as evidence or an exhibit is to be placed on the *Receipt for Evidence or Property* in the case file, i.e., "Returned to contributor by SA Tom B. Jones on 5/25/96".
 3. If one or several items, as opposed to all items listed on a *Receipt for Evidence or Property* are disposed of, the appropriate notation is to be placed on the original and package copies of the *Receipt for Evidence or Property* adjacent to these items. The package copy of the *Receipt for Evidence or Property* to be kept with the remaining items of property pending final disposition of all items.



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- F. The officer who completes the closing communication will note that property acquired during the investigation has been disposed of, disposal is being initiated, or a valid reason stated for retention. Supervisors may not approve the closing of cases in which property has been seized/recovered, contributed without the appropriate notation.
- G. Retention of evidence/non-evidence in closed cases will be monitored as a part of Enforcement Agency Reviews to provide supervisory personnel the tools to enforce prompt property disposition through the file review process, provide field office management statistical reports to identify individuals, sections, or units which are not in compliance with property disposition procedures, and to highlight noncompliance trends to the inspection Staff for evaluation.
 - 1. A report of “Closed Cases with Pending Evidence” should be printed and distributed at 60 day intervals by the ECT to ensure those items eligible for disposition are handled.
 - 2. If items are to be retained for an extended period of time, the investigating officer should so indicate by recording an anticipated disposition on the report that should be initialed by the supervisor and returned to the ECT.
 - 3. These returned reports should be maintained in a binder in the ECR from inspection to inspection.

2-48-18 HANDLING AND STORAGE OF BLOOD AND BODY FLUID CONTAMINATED EVIDENCE OR PROPERTY

A. Handling evidence containing suspected blood or other bodily fluids

- 1. Officers will handle this evidence with gloves.
- 2. If the stain or other sample is dry, it will be placed in a paper bag.
- 3. A proper evidence tag, an evidence-processing request and a special label will be affixed to the outside of the package.
 - a. If the evidence consists of a syringe and needle, the needle portion will be made safe by wrapping with tape so that the sharp point is covered and blunt.
 - b. The needle/syringe will be placed in a plastic bag so that persons handling the evidence can see it.
 - c. The bag will be tagged with an evidence tag, a processing request, and a special label. It should be noted that if the needle/syringe is to be processed for latent fingerprints, the plastic bag might hinder the obtaining of latent fingerprints. Remember, the safety of law enforcement personnel is of utmost importance.
 - d. Officers will either collect liquid samples as liquids and store them in a bottle, or if located on clothing or similar materials, officers will air-dry and package as described above.



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- B. Persons working in areas for extended periods of time where blood or other bodily fluids have been shed (for example, crime scene of personnel working for protracted periods of time at homicide scenes) will wear anti-contamination clothing such as suits, masks, boot covers and gloves.
- C. Any clothing or evidence known to be contaminated with suspected AIDS, Hepatitis B or other contagious diseases will be placed in a specified area and clearly labeled, in this manner: "Known AIDS," "Possible Hepatitis B," etc.
- D. Officers will treat all bloody clothing as if it is contaminated.
 - 1. Officers will wear protective, disposable gloves when handling all bloody clothing or evidence, and sacks containing the clothing or evidence.
 - 2. The Chief of Police or Supervisory Special Agent will furnish protective disposable gloves to officers, investigators, or others handling bloody clothing.
 - 3. Officers will wear protective disposable gloves when handling any clothing known or suspected to be contaminated with any contagious disease, bloody or not.
- E. Agency personnel will wash their hands thoroughly with germicidal soap after handling any possibly contaminated clothing or evidence. .
- F. Officers will keep all property for disposal in sealed plastic bags and placed in a "Contaminated Item Receptacle" for appropriate disposal.

2-48-19 PROCESSING OF RECORDED MEDIA

The SAC, COP, or designee will identify a processing facility which is able to process recorded media, i.e. tape recordings, video tapes, etc., and guarantee that the chain of custody is maintained.

2-48-20 PROCESSING OF FIREARMS

- A. All firearms (pistols, revolvers, rifles, shotguns) recovered in the course of a criminal investigation by any law enforcement agency or district office will be processed as follows.
- B. The firearm(s) will be delivered to the agency/district Evidence Control Technician (ECT). All appropriate documentation will be completed (property receipts, evidence tags, etc.).
- C. The ECT will initiate a search of the Gun File in the National Crime Information Center (NCIC) to determine if the firearm(s) has been reported stolen.
- D. The ECT will initiate a trace of the firearm(s) through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) National Tracing Center (NTC) at the earliest time practicable.



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E. Information required to trace a firearm is:

1. Complete and accurate description of the firearm;
2. Requestor name, agency name, address and ORI;
3. Possessor and Associates Names and Identifiers (if applicable);
4. Firearm Recovery Location/ Address; and,
5. NCIC Crime Code.

F. A firearms trace can be requested in three ways:

1. Submitting a request electronically through ATF's paperless firearms trace submission system, e-Trace, at www.atfonline.gov. This method is required when the agency has a current MOU with ATF.
2. Manually completing a National Tracing Center Trace Request form, ATF F 3312.1, and either mailing the completed form to: ATF National Tracing Center, 244 Needy Road, Martinsburg, WV 25405; or faxing it to: 1-800-578-7223. This form can be found at [http:// www.atf.gov/forms/download/atf-f-3312-1.pdf](http://www.atf.gov/forms/download/atf-f-3312-1.pdf) or requested from the ATF Distribution Center (202-648-6420).
3. Requesting an "urgent" trace via telephone by dialing 1-800-788-7133. Telephone traces will only be accepted in circumstances involving a sensitive or violent crime wherein the need for trace results is immediate.

G. Requestors who have an e-Trace account will receive their trace request results electronically through e-Trace. Requestors who do not have an e-Trace account will receive their trace results by mail at the address assigned to their Originating Agency Identifier (ORI) assigned by the Federal Bureau of Investigation. Urgent trace results can be communicated by telephone when requested.

H. Investigators should use the trace results as an investigative tool whenever possible.

I. Police officers and investigators should familiarize themselves with the following ATF publications available at www.atf.gov.

1. ATF P 3312.12 Police Officers Guide to Recovered Firearms
2. ATF P 3312.13 Firearms Tracing Guide
3. ATF P 632.1 Firearms Identification and Tracing Procedures

J. Following the above referenced checks, forensic processing of the firearm should be conducted, as needed.



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3-01 INCIDENT COMMAND SYSTEM, EMERGENCY MOBILIZATION PLAN, VIP SECURITY PLAN, AND SPECIAL EVENTS PLAN

POLICY

In responding to major events requiring coordination of resources, OJS personnel will initiate and use the Incident Command System protocols to effectively manage these events. Designated police agencies will develop and maintain an Emergency Mobilization Plan, VIP Security Plan, and a Special Events Plan.

RULES AND PROCEDURES

3-01-01 GENERAL INFORMATION

A. Authorization to Establish Incident Command System.

The law enforcement agency may coordinate, participate, or assist in major events that may create public safety hazards, using the Incident Command System.

B. Training and Incident Analysis

1. The Special Agent in Charge will ensure that command staff, supervisors and officers are trained in ICS implementation and the ICS structural components and their functions.
2. The Special Agent in Charge will ensure that each police agency under his command conducts and documents an annual training exercise using the ICS.
3. At least every three years, the Special Agent in Charge will forward a written analysis of incidents and training effectiveness to the Associate Director, OJS.

C. Establishment of Emergency Preparedness Coordinator.

The Special Agent in Charge has discretion to employ or appoint an Emergency Preparedness Coordinator, or appoint a current command officer or supervisor to act as an Emergency Preparedness Coordinator, to oversee preparations and planning related to major events and unusual occurrences.

3-01-02 INCIDENT COMMAND SYSTEM

- ###### A. The Incident Command System (ICS), is the preferred organizational structure for use in major public safety events that involve multi-unit, or multi-agency, response. The designated command officer, or Incident Commander, may modify or use various elements of the system to fit the particular circumstances of an event.



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- B. ICS is a method of organizing resources involving multiple agencies or units. The system has application in non-criminal and criminal events. The basic components of the system are:
1. Command - Command is responsible for overall management of the event. The command function within the ICS may be conducted in two general ways:
 - a. Single command - When an event occurs within a single jurisdiction and the nature of the incident is primarily the responsibility of one agency. A command officer from that agency is designated as the Incident Commander (IC).
 - b. Unified Command - A unified command structure is called for when the incident is contained within a single jurisdiction but more than one agency shares management responsibility, or the incident crosses jurisdictional boundaries and more than one agency shares management and jurisdictional responsibility.
 2. Other positions that may be assigned to the IC depending on the size and nature of the incident are:
 - a. Information Officer - Responsible for development of accurate and complete information on the incident size, cause, status and number and type of resources committed.
 - b. Safety Officer - Responsible for assessing hazardous and unsafe situations related to the incident and for developing measures for assuring personnel safety.
 - c. Liaison Officer - L.O.'s function is to be the point of contact for representatives from other agencies.
 3. Operations Chief (Commander) - The Incident Operations Chief is responsible for direct management of all incident tactical activities and functions. The Operations Chief assigns unit commanders and/or team leaders as needed for each particular event.
 4. Planning Section Chief - The planning section is responsible for gathering and analyzing data regarding incident operations, assigned resources, developing alternatives for tactical operations, conducting planning meetings and preparing the action plan for each operational period. In most incidents, the Planning Chief will be from the jurisdiction that has incident responsibility.
 5. Logistics Section Chief - Logistics is responsible for providing all support needs to the incident including facilities, transportation, supplies, equipment, maintenance and fueling, feeding, communications and medical services.
 6. Finance Section - Finance Section is established on incidents when the agencies that are involved have a specific need for finance services. Not all incidents where the ICS is implemented will require the establishment of a finance section.
- C. The IC will determine the extent of the ICS structure based on the size of the event and the number of agencies involved. Since most major events are fluid situations, the IC has the discretion to expand or contract the ICS structure to meet public safety needs as dictated by the current status of the event.



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3-01-03 ICS IMPLEMENTATION

- A. Officers or supervisors will respond to on-going situations that have the potential to become a major public safety event. Officers will assess each situation and evaluate short term and long term needs for effective response by applicable public safety agencies. Officers' considerations may include, but are not limited to:
1. The size and type of event.
 2. The immediate threat to citizens.
 3. The long term, or potential, threat to citizens.
 4. The location of the event.
 5. The availability of appropriate resources to respond to the event.
 6. The need for resources outside of the jurisdiction.
- B. Officers and supervisor are responsible for establishing a command and control structure that will enable effective response and action by effected agencies. In most cases, this command structure will be the Incident Command System. Whenever possible, pre-determined written plans and procedures should be used.
1. The first officer on scene becomes the IC unless other appropriate and capable command officers from public safety agencies (i.e. fire department) are on scene and have established an initial command structure. In this case, the first responding officer will meet with the current IC and establish jurisdictional responsibilities and the type of command structure for the event (i.e. single command vs. joint or unified command).
 2. A supervisor should respond to the scene and assess the need for additional resources and begin implementation of an expanded ICS structure, if needed.
 3. The ICS structure will be expanded as needed to accommodate the size and magnitude of the event and the number and type of responding resources.
- C. In addition, officers and supervisors should consider:
1. An area to locate a command post and/or a field communications center.
 2. An area to stage responding personnel; emergency and private vehicles, including helicopters; medical personnel and equipment; media personnel, vehicles and equipment.
 3. Potential facilities to be designated as evacuation centers or emergency shelters.
 4. Specific radio channels to be designated for use by resources responding to the event.
- D. Officers and supervisors will assist in identifying and responding to immediate public safety needs. Those needs may include, but are not limited to:
1. Any medical emergency.
 2. Residences, businesses, or specific areas that require immediate evacuation.
 3. Immediate threats of significant property damage.
 4. Evacuation routes.
 5. Traffic and/or crowd control.



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E. Officers and supervisors will secure the scene until the situation is resolved and the public is allowed to return to the area.

3-01-04 EMERGENCY MOBILIZATION PLAN

The Chief of Police, Supervisory Special Agent and Special Agent in Charge will develop procedures for the emergency mobilization of all agency personnel and personnel from other law enforcement agencies. Emergency mobilization plans may vary due to unique situations found in each police agency. However, each Emergency Mobilization Plan will include the following, at a minimum:

1. Communications,
2. Alert stages,
3. Primary and alternate assembly areas,
4. Equipment distribution,
5. Special task force activation,
6. Key personnel designations,
7. Coordination with emergency management personnel,
8. Transportation requirements,
9. Management control measures, and
10. Rehearsal procedures/schedules.

3-01-05 VIP SECURITY PLAN

Police agencies are required to have a VIP Security Plan. The Chief of Police, Supervisory Special Agent, and Special Agent in Charge will develop procedures for VIP security. VIP Security plans may vary due to unique situations found in each police agency. However, each VIP Security Plan will include provisions for the following, at a minimum:

1. Designation of a single person or position as supervisor and coordinator of any given security detail;
2. Equipment requirements, to include consideration of vehicles, body armor for VIP's and security officers, and weapons for officers;
3. Instructions for planning and reconnoitering travel routes and alternates;
4. Advance inspection for gathering intelligence information;
5. Coordination of operations within the agency and with outside agencies;
6. Identification of emergency first-aid, ambulance, and medical facilities;
7. Communications; and
8. Identification by designation, e.g., lapel pins.



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3-01-06 SPECIAL EVENTS PLAN

Police agencies are required to have a Special Events Plan. The Chief of Police, Supervisory Special Agent, and Special Agent in Charge will develop procedures for Special Events. Special Event plans may vary due to unique situations found in each police agency. However, each Special Events Plan will include provisions for the following, at a minimum:

1. Designation of a single person or position as supervisor and coordinator for the coverage of a given event;
2. Written estimate of traffic, crowd control, and crime problems expected for any given event;
3. Contingency plan for traffic direction and control;
4. Use of special operations personnel, if any;
5. Logistical requirements;
6. Coordination inside and outside the agency;
7. After-action report.

3-01-07 POST EVENT ACTIONS

- A. An after-action report will be completed by the supervisor to the Special Agent in Charge relating all facts of the incident and recommendations, if appropriate.
- B. To ensure there is a constructive review of the operational aspects of resource response and actions, the IC, or designated supervisor, will coordinate post event debriefings.
- C. The debriefings will involve all personnel who were involved in the command structure and representatives from any involved agency.
- D. The purpose of the debriefing is to review the overall operation and evaluate what worked and what didn't work in the actual implementation of the command structure and field operations. Identify problems, or issues, with particular aspects of the response or functions of the involved units or agencies will be noted. These problems will be discussed and possible solutions listed or changes to be implemented in future events agreed upon.
- E. In addition to an operational debriefing, supervisors will consider the need for a post incident trauma debriefing with specific units/teams or individual officers, public safety personnel, or other involved individuals. Supervisors coordinating this type of debriefing will ensure debriefing personnel are trained and experienced in working with post traumatic issues.



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EMERGENCY MOBILIZATION PLAN

Agency: _____ Chief of Police: _____

The Chief of Police or Supervisory Special Agent will develop procedures for emergency mobilization of all agency personnel. The Plan will include, at a minimum:

Communications: _____

Alert stages: _____

Primary and alternate assembly areas: _____

Equipment distribution: _____

Special task force activation: _____

Key personnel designations: _____

Coordination with emergency management personnel: _____

Transportation requirements: _____

Management control measures: _____

Rehearsal procedures/schedules: _____

Other considerations for managing this Emergency Mobilization Plan:

Reviewed and approved: _____
Chief of Police Date



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VIP SECURITY PLAN

Agency: _____ Chief of Police: _____

Name of VIP: _____ Date(s) On Site _____

Designated Supervisor/Coordinator for security detail: _____

Equipment requirements: Vehicles _____

Body armor for VIP's and security officers _____

Weapons for officers: _____

Instructions for planning and reconnoitering travel routes and alternatives: _____

Advance inspection for gathering intelligence information _____

Coordination of operations within the agency and with outside agencies _____

Identification of emergency first-aid, ambulance, and medical facilities _____

Communications _____

Identification by designation, e.g. lapel pins _____

Other considerations for managing this VIP Security: _____

Reviewed and approved: _____

Chief of Police

Date



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3-02 CRITICAL INCIDENT RESPONSE

POLICY

Critical Incident Response Teams may be established and maintained within each district by the District Special Agent in Charge, based on the resources available and the needs of the agencies within the District. The ultimate desired conclusion of the utilization of Critical Incident Response Teams is the safe release of the innocent and the arrest of the subject without injury or death to anyone.

RULES AND PROCEDURES

3-02-01 GENERAL INFORMATION

A. Authorization to Establish Critical Incident Response Teams.

Each District Special Agent in Charge may establish and maintain a team(s) comprised of specially trained officers to respond to a variety of major or high-risk events at the discretion of specifically designated command officers operating within a District's jurisdiction.

B. Types of Teams Covered.

These units include, but are not limited to:

1. Active Shooter Responder(s)
2. Rapid Response Team(s),
3. Hostage Negotiation Team(s).

C. Criteria for Mobilization.

Major or high-risk events may include:

1. Active Shooter/Active Threat situation,
2. Hostage situations,
3. Barricaded suspect(s),
4. Injured officer or citizen rescue operation,
5. High-risk search or arrest warrant execution,
6. Armed suicidal person, and
7. Confrontation with violent or armed suspect(s).
8. Dignitary protection
9. Aircraft disasters
10. Hijack situations
11. Multi-agency special operations

D. Duties of Special Agent in Charge.

The Special Agent in Charge will ensure that responders/teams are adequately, equipped, and trained to perform.



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3-02-02 ACTIVE SHOOTER/ACTIVE THREAT RESPONDERS

- A. With the increase in incidents where one or more individuals are involved in a random or systematic shooting spree, it is important that agency law enforcement officers/special agents receive training and necessary equipment to quickly respond to the threat and eliminate the threat. It shall be the responsibility of responding officers/special agents to save lives and stop the active shooter. The prioritization of activities, in their importance are:
1. Stop the active shooter.
 2. Rescue the victims.
 3. Provide medical assistance.
 4. Preserve the crime scene.
- B. The District Special Agent in Charge will ensure that Chiefs' of Police and Supervisory Special Agents' identify capable individuals in their respective agency's to be trained and equipped to respond to active shooter emergencies.

3-02-03 RAPID RESPONSE TEAM

- A. The RRT may be utilized in situations involving a present, or potential, high risk to public safety, and when an Incident Commander determines that available resources are not adequately staffed, trained or equipped to handle the situation.
- B. If a Rapid Response Team is needed, the Special Agent in Charge will establish the roles and structure of the RRT, based on the resources available and the needs of the agencies in the District. The RRT commander may restructure the team's specific chain of command or individual responsibilities to the needs of a particular situation.
- C. Officers will be assigned to the team at the discretion of designated supervisors after an appropriate application and testing process has identified eligible candidates. Eligibility requirements for team assignment are:
1. A minimum of two years field operational experience of which at least one year is with the district that is operating the team.
 2. Good physical condition demonstrated through the Physical Efficiency Battery (PEB).
Fitness test will include measurement of cardiovascular respiratory system efficiency, level of body fat, endurance, agility, flexibility, and muscular strength.
 3. No serious discipline or performance problems.
 4. Never disciplined for excessive use of force.
 5. Meets the firearms qualification testing standards
 6. Psychologically suitable. A psychological testing process and/or interview will be conducted to determine suitability.
 7. Have a recommendation of assignment from current direct supervisor.



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- D. Team members will receive a minimum of forty hours of “basic” tactical training and a minimum of forty hours of “advanced” training, as approved by the Indian Police Academy (IPA) in addition to the normal monthly training within the first two years of their assignment or appointment to the team.
- E. The RRT should train as a unit for a minimum of eight hours each month. The focus of each training session is the responsibility of the team commander.
 - 1. All training will be documented by the training section, or coordinator, in accordance with applicable procedures, to maintain training records.
 - 2. Law enforcement supervisors will support team members assigned to their shifts by accommodating RRT team training time when scheduled by the RRT team commander.
- F. The RRT team will be activated upon the authorization of the Special Agent in Charge. The first officer on the scene will evaluate the situation and advise the dispatcher of the seriousness and nature of the incident. The dispatcher will immediately notify the District RRT Commander who will:
 - 1. Respond to the scene.
 - 2. Determine if RRT personnel are to respond.
 - 3. Establish a command post where agency RRT personnel will assemble.
 - 4. Coordinate with uniform personnel to establish an inner and outer perimeter
 - 5. Have the authority for all the decisions related to the incident once RRT assumes control of the situation.
 - 6. Determine amount and type of resources needed.
 - 7. Deploy RRT personnel
- G. All call-outs will be documented in an After Action Report. The supervisor designated as the RRT team commander will maintain AAR files.

3-02-04 NEGOTIATIONS TEAM

- A. The Special Agent in Charge will ensure that a minimum of one officer or supervisor is trained in skills related to negotiating with criminal suspects, terrorists, suicidal persons, or other potentially violent or dangerous persons as may be encountered in situations listed under the “General Information” subsection of this procedure.
- B. The officer will be selected at the discretion of the Special Agent in Charge or designated supervisor after an appropriate application and testing process has identified eligible candidates. Eligibility requirements for team assignment are the same as those listed for the RRT team in the “Rapid Response Team” subsection of this procedure.
- C. All negotiations team members will receive “basic” and “advanced” instruction in negotiation techniques and tactics, as approved by the Indian Police Academy (IPA) within two years of their assignment.



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D. Team members will train as a unit a minimum of eight hours each month.

All training will be documented. Training records will be forwarded to the appropriate training coordinator and maintained in accordance with agency policies and procedures.

Training will be coordinated with the Rapid Response Team.

E. The Negotiations Team will be activated in any event, which also requires the activation of the RRT team unless otherwise instructed by the Special Agent in Charge or designated supervisor.

Details of negotiation activities during an event will be included in the RRT team or Major Event After-Action Report.



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3-03 HOSTAGE SITUATIONS AND BARRICADED SUBJECTS

POLICY

The ultimate desired conclusion in a hostage or barricaded subject situation is the safe release of the innocent and the arrest of the subject without death or injury to anyone. It is the policy of OJS to use constructive negotiations in conjunction with tactical advantage to successfully terminate the situation.

RULES AND PROCEDURES

3-03-01 GENERAL INFORMATION

- A. In hostage or barricaded situations, appropriate response is required to contain the situation and establish communications with the subject. Control of responding officers must be established to facilitate deployment and to avoid confusion.
- B. Importance of First Minutes of the Incident.
The first 10-20 minutes of a hostage/barricade situation are the most emotionally charged and, therefore, offer the greatest danger. Normally, there is no need to rush to a solution; time may reduce stress and allow communication to begin. Allow time as needed to assess the situation and to secure the surrounding area.
- C. Priority of Peaceful Resolution.
The first priority for resolution of any hostage incident is to negotiate the release of the hostage(s) and peaceful surrender of the suspect(s). The last resort for resolution of any hostage incident is a tactical resolution involving an assault on the suspect's location. However, officers and supervisors are expected to use their best judgment and available resources to take action that has the best chance of protecting the hostage(s) and apprehending the suspect(s).
- D. Written Plan.
OJS will provide all personnel with a written plan covering the basic procedures involving hostage/barricaded suspect situations. The written plan shall include, but is not limited to:
 - 1. Attempting to avoid confrontation in favor of controlling and containing the situation until the arrival of trained tactical and/or hostage negotiation personnel,
 - 2. Notification of tactical and hostage negotiation personnel, if these functions exist,
 - 3. Interaction between tactical and hostage negotiation personnel and responsibilities of each,
 - 4. Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots,
 - 5. Communications with other agencies,
 - 6. Establishment of inner and outer perimeters,
 - 7. Evacuation of bystanders,
 - 8. Evacuation of injured persons,



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9. Establishment of central command post and appropriate chain of command,
10. Request for ambulance, rescue, fire and surveillance equipment,
11. Authorization for news media access and news media policy,
12. Authorization for use of force and chemical agents,
13. Use of trained negotiation and support staff,
14. Pursuit/surveillance vehicles and control of travel routes, and
15. After-action report.

3-03-02 DISPATCHER RESPONSIBILITIES

Since dispatchers may be the first to receive information concerning a hostage/barricade situation, dispatchers will attempt to keep the person on the phone until police units arrive and attempt to gather as much information as possible and transmit it to officers in the field. That information includes, but is not limited to:

1. Location of event,
2. Location and telephone number of the place from which the complainant is calling,
3. Complainant's name and, if different from number in 2, telephone number,
4. Ability of the complainant to see the scene,
5. Whether or not the suspects are armed,
6. Description of the suspects,
7. Number and descriptions of other persons involved, if any,
8. Injuries and extent of injuries, and
9. Units that have been assigned to respond and their locations.

3-03-03 FIRST OFFICERS ON-SCENE

A. The first officer on-scene becomes the incident commander (IC), or officer in charge (OIC), until relieved of the responsibility by a supervisor. The duties and responsibilities of the incident commander include:

1. Assessing whether a hostage/barricade situation exists.
2. Informing dispatch and requesting the supervisor's presence and additional back up.
3. Determining the current status of the situation and broadcasting that information to dispatch and responding units. This information should include:
 - a. Exact location of suspect(s). If known; the number of suspects, and number of hostages.
 - b. The need for medical response. Include the number of injured persons and the extent of their injuries, if known.
 - c. The radio channel that will serve as the primary coordination channel and the channel that will serve as the tactical channel, if different from the primary channel.



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- B. The IC will establish a temporary command post. This may be at the location of the officer's vehicle or may be in a building near the incident.

The location should be within a one or two block distance from the incident location.

- C. The IC will coordinate the response of assisting units. This officer will provides information through dispatch on the best routes of approach for these units.

- D. The IC will attempt to contain and isolate the situation at its present location.

1. Contain.

The first officer on scene will attempt to contain the situation by directing responding officers to take up perimeter positions around the effected location in such a way as to minimize the possibility the suspect(s) can move about or escape. These positions become the "inner" perimeter. Officers assigned to the inner perimeter will remain at their positions until relieved by tactical personnel.

- a. Officers will position themselves in a way that minimizes a potential crossfire situation between themselves and other perimeter officers.
- b. Officers will communicate with the IC and describe any developments that occur within their area of responsibility.

2. Isolate.

The IC begins the process of isolating the location of the hostage incident. This is accomplished by:

- a. setting up road blocks and officer manned perimeter positions which prevent vehicle or pedestrian traffic from entering the area in and around the incident.
- b. beginning the process of evacuating buildings and homes near the incident.
- c. Buildings or homes within the highest risk area are evacuated first. If evacuation is impractical, because of lack of manpower or because of the risk to officers or persons being evacuated, the IC will attempt to establish contact with occupants and give them specific instructions related to their movement inside or outside their building.

- E. Upon the arrival of the on-duty supervisor the officer acting as IC will inform the supervisor of all pertinent facts related to the incident and of the actions taken by the officer.



- F. The on-duty supervisor will assume the IC role and continue the process of assessment, containment, and isolation of the situation. This process may include, but is not limited to:
1. Gathering information on suspect(s).
 - a. Location - floor, room, roof, basement,
 - b. Types of weapons possessed by the suspect(s) (handguns, rifles, hand grenades, dynamite, etc.),
 - c. What is known about the suspect, i.e., criminal suspect (burglar, rapist,) mentally ill, militant, a complete physical description, mental and physical condition, etc.
 - d. Purpose of the suspect,
 2. Gathering information on the hostage(s) - physical description (age, height, weight, sex, hair, etc.)? Physical and mental condition?
 3. Gathering additional specific information on the location.
 - a. Interior and exterior descriptions
 - b. Identify all possible escape routes
 - c. Determine locations of service (water, and electricity connections).
 - d. Determine in which rooms telephones are located.
 - e. Determine if a police scanner is in the building.

3-03-04 SUPERVISOR'S RESPONSIBILITIES

- A. Upon arrival at the scene, the supervisor will assume the role of Incident Commander (IC) and make all appropriate decisions until a higher authority relieves him/her. Duties and responsibilities of the supervisor acting as the IC include:
1. Establishment of command post, tactical operations center and/or negotiation operations center.
 2. Decision to notify appropriate personnel within the law enforcement agency and support agencies.
 - a. The supervisor will notify the Special Agent in Charge.
 - b. After determining the danger of the situation, the supervisor acting as IC, or a designee, will make the appropriate notifications that may include callbacks of off-duty personnel
- B. The IC will ensure notifications are made of resources that may be required to assist at some point in the incident. Those resources include, but are not limited to:
1. Emergency medical services. Assign a standby location in the general area.
 2. Hospital emergency room - to standby.
 3. Fire department - Assign a standby location in the general area.
 4. Other law enforcement agencies who have been designated previously to provide assistance with special units, such as the state police SWAT team, K-9, helicopter, etc., or who can provide back-up officer support.
- C. The IC will assign officers, or other resources to evacuate any injured persons.



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- D. The IC will assign resources to continue the process of evacuation of any bystander in the danger area. If bystanders cannot be evacuated, they will be instructed to seek protection where they are.
- E. The IC will strive to stabilize the situation until trained tactical and/or negotiations units arrive on-scene. However, in the event these units will not arrive within the first hours of the incident the IC will develop contingency plans for the following:
 - 1. React Team - The IC will designate officers to act as a reaction team or arrest team in the event the suspect(s) surrenders or takes aggressive violent action towards officers or citizens. Ideally, the Rapid Response Team will carry out these functions.
 - 2. Negotiations - Assign resources to establish contact with the suspect(s) and begin the negotiation process.
 - a. Contact the security section of the telephone company and isolate the phone line going into the building occupied by the suspect(s).
 - b. If unable to contact the suspect telephonically, use a public address system or the bullhorn.
 - c. Make every effort to persuade the suspect to surrender voluntarily before using force
 - 3. Tactical Resolution - The IC will deploy a sufficient number of appropriately trained officers with the proper special equipment to provide an option of taking tactical action to apprehend or neutralize the suspect(s).
- F. Upon the arrival of tactical and negotiation units the IC will meet with the supervisors of these units and brief them on the current status of the incident. The IC will provide the tactical and negotiation unit supervisors with:
 - 1. Location and identifiers of all inner and outer perimeter units, and officers.
 - 2. Identification of buildings that have been evacuated and of those that need to be evacuated.
 - 3. All known information about the incident including; location, suspects, and hostages.
 - 4. Location of all public utility connections to the target building, i.e., gas, electric, water, telephone, etc.
 - 5. Current location of command post and location of buildings available to be used for negotiations center and/or tactical operations center.
- G. The IC will establish the command structure for the duration of the incident and identify who will make the final decision about any attempted tactical resolution of the incident.

3-03-05 POST ARREST

- A. Once the hostage taker has been captured, the following actions shall be performed:
 - 1. The suspect will be immediately removed from the scene.



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2. He/she will be searched by the officer assigned to investigate the case or by the transporting officer.
 3. The assigned officer will take the suspect directly to headquarters for processing and/or further investigation.
- B. Hostages will be removed immediately upon capture of the suspect.
1. Information will be aired on the police radio that the hostages are coming out.
 2. Medical treatment will be provided, as needed.
 3. Hostages will be escorted to a secure area to be united with their families or friends.
 4. The IC will assign investigators to interview each hostage.
- C. The crime scene will be preserved until processed for evidence by assigned officers or investigators.
1. The area will be cordoned off until the IC declares it open.
 2. Units that are no longer needed will be cleared by the IC.
 3. Crime scene processing includes investigation into any surrounding property damage, e.g., bullet holes in neighboring buildings or damage caused by perimeter units, tactical units, etc.
- D. Any tactical resolution involving the use of force will be investigated in compliance with applicable policies and procedures described in this section.
An incident report will be completed.

3-03-06 POST EVENT DEBRIEFING

- A. To ensure there is a constructive review of the operational aspects of resource response and actions, the IC, or designated supervisor, will coordinate post event debriefings.
- B. The debriefings involve all personnel who were involved in the command structure and representatives from any involved agency.
- C. The purpose of the debriefing is to review the overall operation and evaluate what worked and what didn't work in the actual implementation of the command structure and field operations. Identified problems, or issues, with particular aspects of the response or functions of the involved units or agencies are noted. These problems will be discussed and possible solutions listed or changes to be implemented in future events agreed upon.
- D. In addition to an operational debriefing, will supervisors consider the need for a post incident trauma debriefing with specific units/teams or individual officers, public safety personnel, or other involved individuals. Supervisors coordinating this type of debriefing will ensure debriefing personnel are trained and experienced in working with posttraumatic issues.



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3-04 BOMB THREATS AND BOMB EMERGENCIES

POLICY

OJS law enforcement officers will immediately respond to bomb threats and calls regarding suspicious items thought to be explosive devices. Of ultimate importance is the safety of the officers and public. All precautions will be taken during searches for suspected devices. Items identified as potential explosive devices will be referred to the appropriate disposal resource for handling.

RULES AND PROCEDURES

3-04-01 GENERAL INFORMATION

- A. Bomb threats, and actual bomb emergencies, may present a serious threat to officers, the public, and to property. Law enforcement must be able to effectively respond to all bomb threats, assess them, and handle each efficiently to provide for the safety of the general public. Additionally, officers must be able to properly investigate bomb threat/bomb emergencies in order to apprehend those responsible.
- B. Identification of law enforcement agencies or military installations with bomb handling resources.
- C. The Chief of Police, Supervisory Special Agent and Special Agent in Charge will maintain an emergency contact listing of the local police, sheriff, and state or federal agencies that have the capability to handle bombs and explosives. This list will be compiled and distributed to all communications personnel.
- D. Incident Command System.
The first officer on the scene will be designated the Incident Commander (IC) until relieved and will implement the provisions of this directive.
- E. Use of Officers and Investigators Defined.
Officers normally investigate bomb threats, while actual bombings require the assignment of investigators. The on-scene supervisor may decide it is appropriate to call out the investigator if the threat involves extortion or terrorism.
- F. Required Notification.
The FBI must be notified of any actual bombing. The FBI and/or ATF will investigate bomb blasts in schools or at federal installations. The supervisor will complete a Serious Incident Report and send it to the OJS Deputy Bureau Director through the chain of command.
- G. Occupant Emergency Plan.
Every federal building has an Occupant Emergency Plan that is implemented in emergencies of this type.



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3-04-02 BOMB THREAT RECIPIENT RESPONSIBILITIES

- A. A bomb threat or a report of a bomb threat may be received by any OJS employee including officers, dispatchers, or support staff. All bomb threats will be considered valid until determined otherwise. The recipient of a bomb threat will keep the caller on the phone and gather as much information as possible, on the bomb information card, to include;
1. Exact location of the bomb
 2. Time of detonation
 3. Description of the bomb
 4. Type of explosive
 5. Type of bomb (pipe, etc.)
 6. Reason for bombing
 7. Name, sex, age, accent of caller
 8. Callers phone number
- B. The person receiving the call will immediately notify the dispatcher who will immediately alert the on-duty supervisor and dispatch appropriate units to the scene. The dispatcher will then contact the closest local, county, state, or federal agency on the list with a bomb disposal unit and advise that their assistance may be needed.

3-04-03 DUTIES AND RESPONSIBILITIES OF THE INCIDENT COMMANDER (IC)

- A. Upon notification by the dispatcher, the supervisor will immediately respond to the scene. The supervisor will:
1. Assess the situation and make a determination of notification of command personnel, investigative personnel, or the FBI.
 2. Instruct the dispatcher If a call back of additional officers is necessary.
 3. Determine what outside agencies are to be notified or what assistance is to be requested such as fire, rescue, hospitals, the FBI, and designated local authorities, i.e., state police or local bomb squad.
 4. If a bomb is found, the Incident Commander will request that the dispatcher contact the FBI and designated local authorities, i.e., state police or local bomb squad.
- B. The IC will interview the person who received the original call. All details, including but not limited to the caller's voice, mannerisms, background noises, and the time of call, should be noted. The time the call was received is most important since most bombs are activated by watch or clock. The IC will play back the tape recording of the bomb call, if one was made.
- C. The IC will instruct officers about traffic control in the general area.
- D. The IC will establish a security perimeter around the scene.



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- E. Establish and EOC a safe distance away after clearing the area for secondary devices.
- F. The IC will coordinate with outside agencies that have been called, as they arrive.
- G. Upon arrival at the scene, the investigator will assume responsibility for the completion of the preliminary investigation. If an explosion has occurred, detailed investigation and crime scene processing should await the arrival of the investigator, or federal investigative agencies, i.e. FBI, ATF.

3-04-04 SEARCHING THE PREMISES

- A. If the scene is a Federal building, the IC will determine if there is an Occupant Emergency Plan and if it has been implemented.
- B. The decision to search a building is a building management decision, with police providing recommendations.
 - 1. Based upon the credibility of the threat, the IC may determine that it is necessary to search the building, regardless of the building management's decision.
 - 2. Since building employees are most familiar with the building and the space therein, part of the building management's responsibility includes providing assistance to police/fire building search teams.
- C. When the decision to search has been made, the on-scene law enforcement supervisor will designate search team(s) as needed, depending on the size of the area to be searched.
- D. Officers will coordinate their activities to ensure that the search is thorough. Care will be exercised, however, to impress upon the searchers the importance of not disturbing any suspected bomb that may be located. The officer will request a floor plan of the building, if available, and keep it available for immediate reference.
- E. Officers will give all areas open to the public special attention, i.e., restrooms, trash receptacles, stairwells, elevator shafts, etc. Custodians will be directed by their supervisors, on police orders, to check their closets and storage areas for any unusual objects and supervisors will ask their subordinates to check their work areas for unusual objects.
- F. Officers will do nothing to change the environment of the area searched, such as turning on light switches or thermostats until the area has been searched thoroughly, using flashlights. Officers will not use radios when approaching or searching the area and will not smoke.

Due to the danger of possible bomb detonation from radio transmissions, all police radios at the scene will be turned off. Communications between the supervisor and dispatch will be via the telephone or an officer can be sent several blocks away to transmit messages using the police radio.



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- G. Officers will indicate that the search revealed nothing, but let management make any decisions concerning the re-occupation of the building or area.
- H. If a search reveals a suspicious device or bomb, officers will not attempt to disarm or move it. Only explosive disposal experts should approach the suspected explosive. The main concern is to safeguard lives by isolating the area. If a suspected bomb is found, the dispatcher will contact the designated Explosive Ordinance Disposal Unit. The on scene officer will place a mark near the suspicious item and continue searching for additional devices.

I. [REDACTED]

3-04-05 EVACUATION

- A. The final decision to evacuate a building must be left up to its management unless a suspicious device or bomb is found. The role of law enforcement is to provide information and recommendations that the management officials may use in making the evacuation decision.
- B. If the decision is made to evacuate the building, officers will assist in the process.

3-04-06 SCENE PROTECTION/EVIDENCE COLLECTION

If an explosive device has been detonated, the scene will be protected in a manner consistent with procedures in this Manual until the investigator or outside agency arrives to begin processing the scene. Officers/Special Agents will give any assistance requested by the outside agency.

3-04-07 POST EVENT BRIEFING/REPORTING

- A. Based on the seriousness of the incident, officers may complete an offense/incident report, an after action report, or a serious incident report.
- B. To ensure there is a constructive review of the operational aspects of resource response and actions, the IC, or designated supervisor, will coordinate post event debriefings.
- C. The debriefings will involve all personnel who were involved in the command structure and representatives from any involved agency.
- D. The purpose of the debriefing is to review the overall operation and evaluate the actual implementation of the command structure and field operations. Identified problems, or issues, with particular aspects of the response or functions of the involved units or agencies will be noted. These problems will be discussed and possible solutions listed or changes to be implemented in future events agreed upon.



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- E. In addition to an operational debriefing, BIA supervisors will consider the need for a post incident trauma debriefing with specific units/teams or individual officers, public safety personnel, or other involved individuals. BIA supervisors coordinating this type of debriefing will ensure debriefing personnel are trained and experienced in working with post traumatic issues.



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3-05 CIVIL DISTURBANCES AND MASS ARRESTS

POLICY

The role of law enforcement during any civil disturbance is to protect life and property and maintain order. When necessary, mass arrests may be necessary to accomplish this goal.

RULES AND PROCEDURES

3-05-01 GENERAL INFORMATION

A. Priorities in Civil Disturbances.

Civil disturbances may take various forms and vary in size and potential danger to the public. Of primary importance in any civil disturbance is diffusing the situation and restoring general public order. Law enforcement officers must respond to any civil disturbance, isolate it from the remainder of the community, protect life and property, and maintain control.

B. Development of Civil Disturbance Plan.

The Chief of Police or Supervisory Special Agent will develop a localized Civil Disturbance Plan and distribute copies to communications and all personnel under his command. The plan will include, but is not limited to:

1. Communications,
2. Situation maps,
3. Field command posts,
4. Chain of command (to include other agencies),
5. Community relations/public information (media briefings),
6. Court/prosecutorial liaison and other legal considerations,
7. Other law enforcement agency support,
8. Military civil support (National Guard),
9. Public facility security,
10. Traffic control,
11. Equipment requirements,
12. Post-occurrence (aftermath) duties,
13. After-action reports, and
14. Transportation.

C. Implementation of the Civil Disturbance Plan.

On-duty supervisors are authorized to implement the Civil Disturbance Plan, consistent with the guidelines of this procedure. They must make appropriate notification of implementation to the Special Agent in Charge.



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D. Available Local Resources.

Each Chief of Police or Supervisory Special Agent will identify and maintain a resource list, such as K-9s, the law enforcement agencies of which they are a part, and emergency contact information. This list will be immediately available to communications personnel.

E. Development of Mass Arrest Plan.

Each Chief of Police or Supervisory Special Agent will develop and maintain a localized plan for situations in which a mass arrest occurs. The mass arrest plan will be immediately available to communications personnel and will address, at a minimum, the following:

1. Arrest/processing/confinement procedures (to include booking):
2. Juvenile offenders,
3. Transportation,
4. Detention facilities,
5. Evidence collection,
6. Security,
7. Identification,
8. Interagency agreements,
9. Defense counsel visits,
10. Court and prosecutorial liaison,
11. Media relations/public information,
12. Food, water, and sanitation, and
13. Medical treatment.

3-05-02 RESOURCES

The supervisor implementing this plan will determine what, if any, additional resources are required.

1. Additional personnel may be called, in accordance with local civil disturbance plans.
2. For additional equipment needs beyond that readily available to the supervisor, contact should be made immediately with the Special Agent in Charge.

3-05-03 DUTIES OF FIRST OFFICER(S) ON THE SCENE

The first officer arriving at the scene of a disturbance will assume the role of the Incident Commander (IC) until relieved by a supervisor. These duties include:

1. Observing the situation from a safe distance and determining if the crowd is peaceful or potentially violent.
2. Notifying the dispatcher of the seriousness of the situation and requesting the supervisor and additional back up to respond.
3. Trying to identify, by observation, the leader of the group.
4. Providing continual observation and reporting until relieved.



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3-05-04 DUTIES OF THE ON-SCENE SUPERVISOR (INCIDENT COMMANDER)

Upon arrival at the scene, the supervisor will assume the role of IC until relieved by a higher authority. His duties and responsibilities include:

1. Assessing the situation for seriousness and danger. If the situation is minor, it may be handled with existing resources.
2. Maintaining communications with the dispatcher providing such information as:
 - a. Estimated size of the crowd and area involved.
 - b. Determining the mood of the crowd.
 - c. Weapons involved, if any.
 - d. Nature and extent of property damage.
3. Establishing a command post from his vehicle, using the police radio for communication.
4. Deciding on the number of personnel/equipment needed. If a call back is initiated, the IC will determine the assembly point and equipment to be worn.
5. Instructing dispatch to make proper notifications, to include:
 - a. Fire Department - to stand by in the area.
 - b. Rescue Squad - request stand by in the area.
 - c. Hospital emergency rooms.
 - d. Local adjoining law enforcement agencies.
 - e. Local community/tribal leaders.
 - f. News media - to provide public information.
 - g. U.S. Attorney's Office or other appropriate local attorney's office to provide legal advice on arrest/confinement.
 - h. Other Federal, state, local, and tribal agencies that may have an appropriate support mission.
6. Instructing officers about traffic control in disturbance area.

3-05-05 DUTIES AND RESPONSIBILITIES OF DISPATCHERS

When a civil disturbance arises, dispatchers will:

1. Make appropriate notifications requested by the supervisor. Officers notified of call back will be told when and where to report and what personal equipment will be needed.
2. Make news media referrals to the supervisor.
3. Direct Inquiries concerning any casualties to the appropriate hospital.

3-05-06 OPERATIONS REFER TO OPERATIONS SOP FOR SPECIFICS

- A. The IC will attempt to provide security to all public facilities threatened by any crowd. These facilities may include, but are not limited to:
1. Community water supply,
 2. Fire, rescue and hospital buildings and any direct ingress or egress points to these buildings,
 3. Government/tribal buildings, including casinos,



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4. Schools, and
5. Major thoroughfares.

B. The IC or designee will respond to appropriate news media requests in order to keep the public informed and to dispel rumors. The appropriate public information officer will be contacted when feasible.

3-05-07 MASS ARREST STAGING PROCEDURES REFER TO OPERATIONS SOP FOR SPECIFICS

3-05-08 DE-ESCALATION PROCEDURES REFER TO OPERATIONS SOP FOR SPECIFICS

3-05-09 POST EVENT DEBRIEFING/DOCUMENTATION REFER TO OPERATIONS SOP FOR SPECIFICS



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3-06 EMERGENCY MANAGEMENT COORDINATION

POLICY

The Bureau of Indian Affairs (BIA), Division of Emergency Management (BIA EM, led by the Chief, Division of Emergency Management, is the Indian Affairs (IA) Emergency Coordinator and the principal official responsible for all hazards emergency response and recovery operations for the BIA, Bureau of Indian Education (BIE), the Office of the Assistant Secretary – Indian Affairs (AS-IA).

RULES AND PROCEDURES

3-06-01 GENERAL

- A. As outlined in the National Response Framework (NRF) and the Department of the Interior (DOI) All Hazards Guide, BIA EM is responsible for leading the emergency response and recovery needs of Tribes, DOI, and the Tribal Assistance Coordination Group (TAC-G).
- B. BIA EM responsibilities include:
 1. Coordinating IA emergency management activities, and supervision of the BIA Emergency Management Team (BIA EM) Emergency Managers.
 2. Developing emergency management policy consistent with Federal emergency management laws, regulation, guidance, and direction.
 3. Supporting the Assistant Secretary-Indian Affairs by leading the coordination of activities undertaken by AS-IA offices, BIA, and BIE during Federally declared and non-declared disasters and other serious emergency incidents.
 4. Integrating planning and preparedness activities with BIA, BIE and AS-IA Emergency Management Programs and responsibilities.
 5. Serving as the BIA/BIE/AS-IA representative on the DOI Emergency Management Council.
 6. Leading the Indian Affairs Senior Leadership Group (IASLG).
 7. Serving as the BIA/BIE/AS-IA principal point of contact with the Federal Emergency Management Agency (FEMA), and other Departments and agencies with regards to overall emergency management, continuity of operations, and national security emergency programs as they pertain to the bureau and to Tribal communities.
 8. Providing oversight of emergency management programs and plans across all BIA, BIE, and AS-IA elements to assure policy compliance, readiness, and effectiveness.
 9. Issuing appropriate policy bulletins to provide updated policy and direction on the IA Emergency Management Program.
 10. Facilitating timely reporting and information sharing to appropriate stakeholders on the status of activities, damage and unmet needs for incidents that have impacted Tribal Nations.



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11. Providing overall coordination of IA activities related to the National Response Framework, National Disaster Recovery Framework, National Mitigation Framework, National Prevention Framework, and National Protection Framework; for the Tribal Coordination Support Annex of the National Response Framework; and for emergency response functions and recovery response functions of those plans not otherwise assigned ; as outlined in the National Response Framework, leads and oversees the Tribal Assistance Coordination Group (TAC-G).

3-06-02 OJS AND BIA EMERGENCY MANAGEMENT COORDINATION

- A. As outlined in 92 IAM 1, BIA EM coordinates, manages, and operates emergency capabilities of IA. BIA-Office of Justice Services (OJS) is a collaborating partner with BIA EM, to provide life safety, and law enforcement capability in the field.
- B. The Chief, BIA EM, in coordination with the Associate Director, BIA OJS Field Operations, assigns Deployment Coordinators to manage all law enforcement deployment requests for assistance.
- C. Deployment Coordinators are responsible for managing requests from outside federal, state, local, and Tribal requests for assistance. Deployment Coordinators develop deployment plans to meet the needs of the mission. Plans are prepared in anticipation of requests for a surge response of BIA-OJS law enforcement personnel for an activation of the Emergency Support Function 13, or like requests. Requests may be made by Tribes, the Department, Federal partners, or under the authorities of National Response Framework (NRF) in support of Presidential Declared disasters.

3-06-03 MISSION ASSIGNMENTS

- A. The Federal Emergency Management Agency (FEMA) through the National Response Framework and National Disaster Recovery Framework (NDRF) has the authority to issue Mission Assignments (MAs) to other Departments and Agencies to provide specific types of capabilities during large scale emergencies and disasters. The MAs are typically issued during events that receive a Presidential Emergency Declaration (PED) and/or a Presidential Disaster Declaration (PDD). MAs are usually issued under the scope of one of the 14 Emergency Support Functions (ESFs) identified in the NRF or the 6 Recovery Support Functions (RSFs) identified in the NDRF. BIA EMERGENCY Management, through the Department has responsibilities for nearly all of the ESFs and RSFs as a primary or supporting agency (see chart).
- B. BIA Emergency Management serves as the MA coordinator for BIA, BIE and AS-IA and works in close conjunction with the appropriate offices and/or program leads with assets and resources to provide the requested capability when it is available. The exception is MAs for ESF #4, Wildland Fire which is coordinated through the DOI Office of Wildland Fire Coordination Group (OWCG) and National Interagency Fire Center (NIFC). FEMA MAs can provide reimbursement for overtime and travel expenses which requires tracking of these expenses during a MA deployment.



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- C. Activation may occur as a response to a critical incident. A critical incident is defined as an occurrence or event, natural or human-caused, which requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wild land and urban fires, floods, hazardous materials spills, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.
- D. Within 24 hours of notification of an assignment, the ordered personnel will be in-route to an identified incident reporting location, staging area or rendezvous point. Travel time for any response will depend upon the location of the incident, travel distances and transportation options and other conditions or circumstances particular to the incident.
- E. Normally, BIA-OJS Strike Teams are deployed as strike team [REDACTED] with additional support personnel for overhead and telecommunications support. Other specialties, such as administration, security, and transportation, may be needed to assure mission success.
- F. Normally, BIA-OJS Strike Teams will be designated as Law Enforcement Strike Teams (same kind/type resources, common communications and team leader). The strike teams have been configured [REDACTED]. This configuration is modeled after a standard crew configuration which provides an optimum span of control.

3-06-04 DEPLOYMENT COORDINATORS

- A. Deployment Coordinators will maintain deployment rosters, including 24/365 contact information for each member of the team, to assure rapid deployment. Deployment Coordinators are responsible for ensuring that the on call teams are prepared and capable of meeting the deployment requirements described above. Deployment Coordinators will notify the Associate Director, BIA-OJS Field Operations when any team is not mission ready and/or not able to meet the 24 hour deployment requirement.
- B. The normal length of assignment for BIA-OJS deployments will generally be in accordance with established interagency incident business practices.
- C. Deployment procedures, guidelines, and equipment expectations of BIA-OJS Strike Teams are addressed in BIA Deployment Standard Operation Procedures (SOP) guidance.



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3-07 HAZARDOUS MATERIALS

POLICY

OJS law enforcement officers will receive training in the proper response to hazardous materials incidents. Supervisors will continually survey their jurisdiction and pre-plan as for hazardous incidents. Responses will be timely and ensure officer safety.

RULES AND PROCEDURES

3-07-01 GENERAL INFORMATION

A. Training in Response to Hazardous Materials Incidents and Laws Governing Response.

The Chief of Police or Supervisory Special Agent will ensure that all officers receive instruction on proper response methods to hazardous materials incidents and local, state, and federal laws that govern response to hazardous materials incidents and criminal violations related to transporting, disposing or using hazardous materials.

B. Development of Hazardous Materials Response Plan.

The Chief of Police or Supervisory Special Agent will ensure that a Hazardous Materials Incident Response Plan, consistent with agency policies and procedures, has been developed and is maintained in cooperation with other public safety agencies within their area of responsibility. This plan will be maintained in Communications and distributed to all officers.

3-07-02 HAZARDOUS MATERIALS RESPONSE PLAN

A. To ensure the plan is kept current, supervisors will:

1. Routinely gather information about hazardous materials that are used, stored, or transported in their jurisdictions and analyze the potential for an incident.
2. Maintain an overview of local jurisdictions and available response resources by addressing the following topics.
 - a. Identification of the agency with primary responsibility for immediate response to hazardous materials incidents,
 - b. Identification of the agency with responsibilities associated with clean-up, and
3. Enforcement of applicable laws.
4. Identify potential shelters for evacuated citizens.
5. Bring together the appropriate resources and public safety agencies.

B. Representatives of the responding agencies will plan and coordinate an annual test of the response plan.

The plan will be modified, as needed based on problems or issues identified during the test.



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- 3-07-03 LAW ENFORCEMENT RESPONSIBILITIES SEE OPERATIONS SOP FOR SPECIFICS
- 3-07-04 POST INCIDENT SEE OPERATIONS SOP FOR SPECIFICS



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3-08 NATURAL AND MAN MADE DISASTERS

POLICY

OJS law enforcement personnel will immediately respond to any natural or man-made disaster to protect life and property.

RULES AND PROCEDURES

3-08-01 GENERAL INFORMATION

- A. Natural and man-made disasters resulting in damage, hardship, loss of life or injury, human suffering, or environmental damage require immediate response for the protection of life and property and restoration of public order. As a full-service law enforcement agency, the agency will maintain procedures for responding to a natural or man-made disaster.
- B. Training.
The Special Agent in Charge will ensure that officers receive training in the procedures and plans for response to disasters that may occur within their jurisdictional boundaries.
- C. Written Disaster Preparedness Plan.
The Chief of Police or Supervisory Special Agent is responsible for a written plan for disaster preparedness. The plan will be issued to all officers and a copy maintained in Communications. The plan will include, but is not limited to:
 - 1. Communications,
 - 2. Situation maps,
 - 3. Field command posts,
 - 4. Chain of command (to include other agencies),
 - 5. Casualty information, and casualty collection points,
 - 6. Community relations/public information (media briefings),
 - 7. Support from other public safety organizations,
 - 8. Military civil support (National Guard),
 - 9. Public facility security,
 - 10. Traffic control,
 - 11. Equipment requirements,
 - 12. Mass casualty plan,
 - 13. Rumor control,
 - 14. Post-occurrence (aftermath) duties,
 - 15. After-action reports, and
 - 16. Transportation.



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3-08-02 PLAN DEVELOPMENT AND IMPLEMENTATION

- A. On-duty supervisors are authorized to place this plan into operation. Appropriate notification of situations requiring plan implementation must be made to the Chief of Police or Supervisory Special Agent and Special Agent in Charge.
- B. The on-duty supervisor is responsible for implementing the plan and acting as Incident Commander for agency resources until relieved by the ranking local supervisor.

3-08-03 AGENCY RESOURCES

- A. The supervisor implementing this plan will determine if additional resources are required.
 - 1. Additional personnel may be called in according to local Disaster Plans.
 - 2. If there are additional equipment needs beyond those readily available to the IC, he/she will contact the Special Agent in Charge.
- B. The exact nature of the disaster and potential danger will determine the response. The supervisor will consider to the following:
 - 1. Officers on the scene will obtain information to help the supervisor evaluate the magnitude of the disaster and ensure the response of appropriate personnel and resources. The dispatcher will also obtain information for the supervisor from other emergency service and utilities as available.
 - 2. Depending on the nature of the disaster, a field command post may be established in the vicinity of the disaster. The IC will identify the location of the command post.
 - 3. The IC must communicate necessary information to law enforcement emergency services, utilities, other local departments and, if appropriate, to the media. Under some circumstances, it may be necessary to loan police radios to emergency service/utility crews with whom essential contact must be maintained.
 - 4. Establish a casualty collection point and a displaced persons site.
 - 5. Identify and establish a landing zone for emergency medevac of casualties.
 - 6. The IC will notify area media, if appropriate, and establish a media briefing point. The IC will arrange to provide information regularly and directly to media representatives present. The IC will advise all media agencies of the phone number to call to receive updated information. If this is impractical because of limited resources or phone lines the IC will ask the media not to call for updates.



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7. The incident commander will assess the extent of the disaster relative to the potential for looting, or other criminal conduct, and ensure resources are assigned to provide security to the affected area.
8. If it is necessary to block roads and reroute traffic away from the affected area, the IC will advise emergency service units, and arrange for announcements over local radio stations.
9. The IC will notify the appropriate public works and/or utilities companies of road clearance needs, broken mains, and downed lines.
10. The IC will ensure an orderly de-escalation of the Incident Command System, disaster units, and personnel, as the need for command structure or resources is reduced.
11. The IC may request any special transportation assistance from appropriate Federal, State, tribal or local agencies.

3-08-04 POST EVENT DEBRIEFING AND REPORTING

- A. Based on the seriousness of the incident, officers may complete an offense/incident report, an after action report, or a serious incident report.
- B. To ensure there is a constructive review of the operational aspects of resource response and actions, the IC, and/or designated supervisor, will coordinate post event debriefings.
- C. The debriefings will involve all personnel who were involved in the command structure and representatives from any involved agency.
- D. The purpose of the debriefing is to review the overall operation and evaluate the actual implementation of the command structure and field operations. Identified problems, or issues, with particular aspects of the response or functions of the involved units or agencies will be noted. Recommendations for resolving these issues will be discussed and implemented.
- E. In addition to an operational debriefing, BIA supervisors will consider the need for a post incident trauma debriefing with specific units/teams or individual officers, public safety personnel, or other involved individuals. BIA supervisors coordinating this type of debriefing will ensure debriefing personnel are trained and experienced in working with post-traumatic issues.



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3-10 SPECIAL OPERATIONS SECURITY

POLICY

The Office of Justice Services will make every effort to ensure the safety and security of Criminal Investigation and Drug Enforcement Special Agents and other law enforcement personnel by minimizing dissemination of information regarding special operations.

RULES AND REGULATIONS

3-10-01 GENERAL INFORMATION

Operation Security is vital for the safety of all BIA-OJS special agents, uniformed officers, and civilians employed by the Bureau, for the overall success of the operations being performed. Information can sometimes be released unintentionally. The fewer people who know, the more secure an operation.

3-10-02 NOTIFICATION

As a courtesy, the OJS District Special Agent in Charge should be notified of the intentions of Drug Enforcement Division/ Criminal Investigations Special Agents and their presence within their designated jurisdiction, unless:

1. There has been an established history of OPSEC violations in the agency, to include rumors of OPSEC violations.
2. Intelligence indicates agency employees are involved in the criminal activity.
3. Intelligence indicates agency employee's immediate family or relatives are involved in the criminal activity.
4. Such notification may disclose the specific use of undercover informants or undercover operations.
5. Notification will violate federal rules or procedures.

3-10-03 LIMITATIONS

The District Special Agents' in Charge will be provided with limited information. Detailed information will be provided only on a need-to-know basis.

3-10-04 STANDARD OF ETHICAL CONDUCT

All commissioned personnel within the Bureau of Indian Affairs, Office of Justice Services and all tribal, local, state and other Law Enforcement agencies participating in BIA, OJS supervised task forces and operations, will be held to the highest ethical standards of conduct concerning operations security.



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3-10-05 EMPLOYEE OR TASK FORCE MEMBER DEPARTURE AUDIT AND NON-DISCLOSURE DEBRIEFING

- A. Upon departure of commissioned or noncommissioned personnel, regardless of the circumstances for the intended departure, from the BIA-OJS, Drug Enforcement Division or BIA-OJS supervised Task Force, an audit and operations security debriefing will be conducted.
- B. The audit will include the inventory of all equipment, property, and records the employee or task force member was responsible for and had access to. All computer records, disks, CD's, data, passwords, and access codes will be surrendered.
- C. The operations security debriefing will include the consequences for the confidentiality of information and/or documents relating to confidential investigations, confidential sources (informants), and sensitive issues of the BIA-OJS, Drug Enforcement Division.



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3-14 SCHOOL RESOURCE OFFICER PROGRAM

POLICY

The Office of Justice Services is committed to the School Resource Program to provide services and protection to school students and faculty.

RULES AND PROCEDURES

3-14-01 GENERAL

- A. A School Resource Officer is defined by Part Q of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended in 1998, (2) section 1709, as follows: "a school resource Officer means a career law enforcement officer, with sworn authority, deployed in community oriented policing and assigned by the employing police department or agency to work in collaboration with school and community-based organizations.
- B. Law enforcement officers serving as School Resource Officers must receive specific SRO training either provided by or approved by IPA before beginning service as an SRO.
- C. The law enforcement agency providing a SRO will develop an MOU with each school in order to establish roles and responsibilities in detail. Topic areas for the MOU include but are not limited to:
 1. Avoid relying on a personal relationship, easy access, and a handshake between police and school administrators for establishing SRO roles;
 2. Involve the schools in developing the SRO roles and responsibilities;
 3. Distribute the roles and responsibilities, and periodically review them;
 4. Provide a mechanism for resolving disagreements between school administrators and SROs about the officers' responsibilities.
 5. Narrow the considerable leeway of what it means for SROs to engage in "law enforcement";
 6. Make clear whether and how SROs will be responsible for enforcing discipline; and
 7. Be specific about the SROs' teaching, and counseling and mentoring, responsibilities.
- D. There is currently a School Resource Officer Memorandum of Understanding between the Bureau of Indian Affairs, Office of Justice Services and the Bureau of Indian Education signed November 15, 2011. OJS managers will use this MOU as a framework for providing officers to schools as School Resource Officers.



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3-15 FIELD TRAINING AND EVALUATION PROGRAM (FTEP)

POLICY

To ensure entry-level police officers are properly prepared to perform the duties and responsibilities expected of an officer, recruits will be trained, evaluated and supervised by a properly trained Bureau of Indian Affairs (BIA)-Office of Justice (OJS) Field Training Officer (FTO).

Field training is a process by which an officer recruit receives formal on the job instruction for special and designed purposes. Therefore, upon completion of the BIA-OJS Basic Police Officer Training Program (BPOTP), the officer recruit will be placed into a FTEP and assigned a FTO to provide formal instruction and evaluation of the recruit.

Each OJS police officer recruit must successfully graduate from the OJS FTEP as a condition of employment.

RULES AND PROCEDURES

3-15-01 GENERAL

- A. Law enforcement officers (LEO) frequently work in rapidly changing environments that often seem removed from the lessons learned at BPOTP. The purpose of the FTEP is to:
1. Produce a highly trained and positively motivated employee capable of meeting or exceeding performance standards required by the BIA-OJS.
 2. Improve the BIA-OJS hiring process through formalized observation of each new officer recruit's performance and their response to the training and subsequently adjusting training and hiring procedures as a result of observations.
 3. Build on the foundation of skill and knowledge acquired in the officer recruit's basic training experience through the creation of an environment in which the recruit may enhance those skills and increase proficiency in all aspects of job performance.
 4. Establish an appraisal system which is meaningful and job-related by utilizing a standardized and systematic approach to the documented measurement of probationary performance.
 5. Provide equal and standardized training to all newly hired officers and provide remedial training in those areas where deficiencies are identified.
 6. Establish an additional career path within BIA-OJS by providing qualified staff with advanced training and opportunities to develop leadership and supervisory skills as a FTO.
 7. Ultimately increase the overall efficiency, effectiveness and reputation of OJS through the modeling of professional, competent and ethical behavior.



- B. Each officer recruit will be provided with the requirements to graduate from the FTEP and will be evaluated on their performance in job-related activities during the training period.
- C. The FTEP will be administered by a National Field Training Coordinator (NFTC) at the BIA-OJS Indian Police Academy (IPA).
- D. NFTC: The BIA-OJS will assign a NFTC at the IPA. The National Coordinator is the liaison with the District Field Training Coordinators (DFTC) to coordinate the FTO program: (1) application process; (2) selection process; (3) basic and advanced FTO training; and, (4) training record accountability.
- E. DFTC: each DFTC is selected by the applicable District Office Special Agent in Charge (SAC). The District Coordinator's function is to oversee all BIA-OJS FTEPs within their district. Oversight of these programs includes assurance the programs are being conducted in accordance to BIA-OJS policy.

3-15-02 COORDINATION OF THE FIELD TRAINING PROGRAM

- A. The SAC will designate an Assistant SAC to be the District Coordinator for the FTO programs in their districts. The District Coordinator is required to complete the BIA-OJS Basic FTO Training Program and the Management of a FTO Program training.
- B. The District FTO Coordinator is responsible for making Agency FTO assignments. The preferred candidates for Agency FTOs are Chiefs of Police (COP) who have responsibility for resources, funding, supervision and knowledge of local issues.
- C. In the event an officer recruit is assigned to an Agency that lacks a FTO, the officer recruit's employing Agency will contact the District FTO Coordinator who will arrange for the recruit to be sent to another district that has an FTO available or arrange for an available FTO from another Agency to be sent to train the recruit.
- D. The District FTO Coordinator will be a liaison between the COPs and the District SAC.
- E. Upon completion of the officer recruit's FTO program, all original documents will be forwarded to, and maintained by the, District FTO Coordinator. Copies of all documents will be sent to the National FTO Coordinator at the BIA-OJS IPA and placed in the BIA-OJS Officer's training file.



3-15-03 SELECTION PROCESS FOR FIELD TRAINING OFFICERS

- A. The selection of FTOs is critical to the success of the program. Officers may apply for the position of FTO once they have served for three years as OJS police officers. Officers with one year of experience with OJS and a minimum of two years of experience with a federal, tribal, state or local law enforcement agency are eligible to apply. FTO applicants must also have a minimum of two consecutive years of performance appraisal ratings of at least “fully successful” in the years immediately preceding their application.
- B. District FTO Coordinators should ensure the pool of FTOs represents the demographics of the officer recruits.
- C. Officers may apply for entry into the FTEP by forwarding a memorandum along with a FTO application through the chain of command to the District SAC.
- D. The FTO applicant’s first line supervisor and Agency COP will attach statements of endorsement or disagreement regarding selection of the applicant.
- E. The District SAC will review all applications, conduct formal interviews and research any additional relevant information that will help make a final selection.
- F. After selection is made, a copy of the approval/selection will be forwarded through the chain of command to the Associate Director of Field Operations for approval and then forwarded to IPA.

3-15-04 FTO TRAINING AND IN-SERVICE TRAINING

- A. FTOs must complete an IPA-approved Basic FTO Training Program.
- B. Once certified, the FTO will be placed on the FTO roster. Maintenance of the officer’s status as an FTO is dependent upon continued satisfactory performance as evaluated by the first line supervisor, COP and District FTO Coordinator.

3-15-05 SUPERVISION OF FTOs

- A. Supervisors will:
 - 1. Be responsible for monitoring the FTO’s training of the officer recruit.
 - 2. Conduct weekly evaluations of the officer recruit and the FTO.
 - 3. Forward all FTO-related documentation to the Agency COP.
- B. Agency COP and District SAC Responsibilities:
 - 1. The COP will review all documentation relating to the training of the officer recruit.
 - 2. The COP will keep the District SAC and the District FTO Coordinator apprised of any problems with the officer recruit’s performance.



3. The COP will generate a quarterly report documenting the effectiveness of the FTO's supervision and accountability and will separately evaluate the FTO. The COP will forward all documentation relating to the training of officer recruits to the District FTO Coordinator/SAC.
4. The District SAC will keep other appropriate personnel informed of any problems with the officer recruit's performance.

3-15-06 ASSIGNMENT OF RECRUITS

Based on the application process and interview, the COP will assign a FTO to each new officer recruit. The FTEP is divided into four phases. A new FTO should be assigned to the officer recruit at the beginning of phases I, II and III. The same FTO should be utilized for phases I and IV. When necessary, due to a lack of FTOs, an officer recruit may be rotated between two FTOs.

3-15-07 PERIOD OF TRAINING AND ROTATION OF FIELD ASSIGNMENTS

- A. The FTEP is a four phase program. The skill and experience level of the officer recruit may determine the time spent for each phase; however, all four phases must be completed. At the Associate Director's discretion, a longer period of field training may be authorized on a case-by-case basis for levels of performance that suggest remedial or additional training.
- B. The first three phases of the FTEP reflect the officer recruit's increasing level of responsibility to perform work. Phase IV is used for a final evaluation where the officer recruit does 100% of the work.
- C. Each phase is made up of different tasks and successful performance of these tasks has been determined necessary for an officer recruit to be judged competent. These tasks are outlined in the Officer Recruit Task Frequency List. The officer recruit must complete all the identified tasks for each phase before proceeding to the next phase.
- D. At the end of Phase I the officer recruit will be rotated to a different shift and FTO.
- E. At the end of each phase the recruit officer shall evaluate his/her FTO. These FTO evaluations will be provided by the officer recruit to the COP and District FTO Coordinator.

3-15-08 EVALUATION OF OFFICER RECRUITS BY FTOs

- A. Each phase includes Daily Observation Reports (DOR) of the officer recruit's performance and identification of future training requirements. The report documents tasks that the officer recruit has demonstrated that he/she can or cannot successfully perform.
- B. The FTO will use standard evaluation guidelines to evaluate the officer recruit's performance.



- C. As the officer recruit demonstrates the ability to competently perform the duties of each phase, the FTO will begin to “shadow” the recruit, allowing for greater levels of independence, while continuing evaluating performance.
- D. The officer recruit must master all of the tasks in all phases before he/she can work alone.
- E. IPA is responsible for evaluation and development of training materials for the FTO Program.
- F. FTOs will use the Law Enforcement Handbook directive 2-50 “Field Training and Evaluation Program” and the “*Field Training Officer Guidelines*”, to train and evaluate officer recruits. Officer recruits will receive an *Officer Recruit Field Training Manual* as a guideline.

3-15-09 REPORTING RESPONSIBILITIES OF FTOs

- A. FTOs will meet every week with the COP or designee to review a recruit’s progress. The FTO is responsible for the field training of the assigned officer recruit, using OJS written directives as a guide and operating within the philosophy of community policing, including the principals of problem solving.
- B. FTOs will:
 - 1. Use required OJS forms and training materials designated for use in the FTEP.
 - 2. Complete timely DORs and an associated weekly evaluation.
 - 3. Document the progress and remedial training of the officer recruit on a weekly basis.
 - 4. Forward documentation through the chain of command to the COP.
 - 5. Complete the End of Phase Evaluation Summary for the officer recruit.
 - 6. Recommend the termination of an officer recruit when consistent evaluation indicates a likelihood that the officer recruit will be unable to carry out the duties and responsibilities necessary for successful performance as an OJS police officer.

3-15-10 LIAISON WITH IPA STAFF

FTOs should meet as needed with the District Coordinator and National Coordinator regularly to ensure that IPA training is modified to address deficiencies noted by the FTOs.



3-15-11 FORMS

1. Daily Observation Report (DOR); Weekly Progress Report
2. Daily Observation Report Comments
3. Officer Recruit Task/Frequency List
4. Field Training Officer Application
5. End of Phase Officer Recruit Evaluation Summary
6. Officer Recruit End of Phase/End of Program Release
7. Officer Recruit Self-Evaluation
8. FTO Critique
9. Officer Recruit Evaluation of Field Training and Evaluation Program

3-15-12 STANDARDIZED EVALUATION GUIDELINES

1. GENERAL APPEARANCE - Evaluates physical appearance, dress, demeanor, and equipment.
2. ACCEPTANCE OF FEEDBACK FROM FTO/FTO PROGRAM - Evaluates the way the officer recruit accepts criticism and how that feedback is used to further learning and improve performance.
3. ATTITUDE TOWARD THE JOB - Evaluates how the officer recruit views the career in terms of personal motivation, goals and his/her acceptance of the job's responsibilities.
4. KNOWLEDGE OF OJS POLICIES AND PROCEDURES - Evaluates officer recruit's knowledge of agency policies/procedures and ability to apply the knowledge in field situations.
5. KNOWLEDGE OF FEDERAL CODES AND TRIBAL ORDINANCES - Evaluates officer recruit's knowledge of the Federal Codes and Tribal ordinances and his/her ability to apply them in field situations.
6. KNOWLEDGE OF TRAFFIC CODES - Tests officer recruit's ability to apply traffic-related codes.
7. KNOWLEDGE OF CODES OF CRIMINAL PROCEDURES- Evaluates officer recruit's knowledge of criminal procedures including laws of arrest, search and seizure, warrants, juvenile law etc. Evaluates ability to apply those procedures in field situations.
8. DRIVING SKILL: NORMAL CONDITIONS - Evaluates officer recruit's skill in the operation of agency vehicles under normal and routine driving conditions.
9. DRIVING SKILL: MODERATE AND HIGH STRESS CONDITIONS - Evaluates officer recruit's skill in vehicle operation in emergency situations and under conditions calling for other than normal driving skill.



10. ORIENTATION/RESPONSE TIME TO CALLS - Evaluates officer recruit's awareness of surroundings, ability to find locations and arrive at destination within an acceptable amount of time.
11. ROUTINE FORMS: ACCURACY and COMPLETENESS - Evaluates officer recruit's ability to properly utilize the forms OJS uses to accomplish reporting.
12. REPORT WRITING: ORGANIZATION and DETAILS - Evaluates the officer recruit's ability to prepare reports accurately reflecting the situation and in a detailed, organized manner.
13. REPORT WRITING: GRAMMAR/SPELLING/NEATNESS- Evaluates the officer recruit's ability to use proper grammar, to spell correctly and to prepare reports neatly and legibly.
14. REPORT WRITING: APPROPRIATE TIME USED - Evaluates the officer recruit's efficiency relative to the amount of time taken to accurately complete a report writing assignment.
15. FIELD PERFORMANCE: STRESS AND NON STRESS CONDITIONS - Evaluates the officer recruit's ability to perform in stressful and non-stressful situations.
16. INVESTIGATIVE/INTERVIEW SKILLS - Evaluates officer recruit's ability to conduct a proper investigation with an emphasis on crime scene investigatory procedures.
17. SELF-INITIATED FIELD ACTIVITY - Evaluates officer recruit's interest and ability to initiate police-related activity. Able to recognize same and to take action.
18. OFFICER SAFETY: GENERAL - Evaluates officer recruit's ability to perform police activity without injuring him/herself or others. Assesses their ability to perform without exposing self or others to potential danger and/or unnecessary risk.
19. OFFICER SAFETY: SUSPICIOUS PERSONS, SUSPECTS AND PRISONERS - Evaluates the officer recruit's ability to perform police-related tasks in a safe manner while dealing with suspicious persons, suspects and prisoners.
20. CONTROL OF CONFLICT: VOICE COMMAND - Evaluates the officer recruit's ability to gain and maintain control of situations through verbal command and instruction.
21. CONTROL OF CONFLICT: PHYSICAL SKILL - Evaluates the officer recruit's ability to use the proper level of force for the given situation.
22. PROBLEM SOLVING/DECISION MAKING - Evaluates the officer recruit's performance in terms of ability to perceive accurately, form valid conclusions, arrive at sound judgments and make proper decisions.



23. COMMUNICATIONS: APPROPRIATE USE OF CODES/PROCEDURE - Evaluates the officer recruit's use of the police radio in accordance with OJS policy and procedure.
24. RADIO: LISTENS AND COMPREHENDS - Evaluates the officer recruit's ability to pay attention to radio traffic and to understand the information transmitted.
25. RADIO: ARTICULATION OF TRANSMISSIONS - Evaluates the officer recruit's ability to communicate with others via the police radio transmission network.
26. RELATIONSHIPS WITH CITIZENS: GENERAL - Evaluates the officer recruit's ability to interact with community members (including suspects) in an appropriate, efficient manner.
27. RELATIONSHIPS WITH AGENCY MEMBERS (SPECIFY) - Evaluates the officer recruit's ability to effectively interact with other OJS staff of various ranks and in various capacities.



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3-16 JUVENILES

POLICY

The responsibility for participating in and supporting juvenile operations functions is shared by all OJS components and all personnel. OJS participates in and supports juvenile justice operations.

RULES AND PROCEDURES

3-16-01 GENERAL INFORMATION

Officers will consider alternatives when considering arresting a juvenile (individuals under the age of 18 years) including;

1. Release to parent or guardian;
2. Issuing a complaint or summons to appear in court in lieu of custody;
3. Referral to a juvenile court.

3-16-02 DECISION TO RELEASE OR TO DETAIN

- A. Unless superseded by applicable federal, state or tribal law, law enforcement officers will release juveniles into the care and custody of a parent, guardian, or legal custodian as soon as possible unless there is reason to believe that:
 1. The juvenile would endanger himself/herself or others if released, or
 2. The juvenile would not return for a court hearing, or
 3. The juvenile would not remain in the care or control of a person into whose lawful custody he/she had been placed, or
 4. The health and welfare of the juvenile would be immediately endangered.
- B. A law enforcement officer may take a juvenile into protective custody if it is alleged that the juvenile has been harmed or is in danger of being harmed. The juvenile will be turned over to the local social services office for appropriate care and placement.
- C. Standards for Searches of Juveniles.
Unless superseded by applicable federal, state, or tribal law, law enforcement officers will use the same standards to perform searches incidental to arrest for juveniles, as for adults.
- D. When a law enforcement officer takes a juvenile into custody, he/she will immediately advise the local social services office, and the juvenile intake officer, if available, to assist with the juvenile's care, and interaction with the court.



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- E. If the juvenile is not released into the custody of a parent, guardian, or legal custodian, the law enforcement officer will notify the court of the juvenile's detention and the reason for the detention no later than the next working day after the juvenile has been detained or placed in shelter care (protective custody).

3-16-03 TAKING A JUVENILE INTO CUSTODY

- A. Unless superseded by applicable federal, state or tribal law, law enforcement officers may take juveniles into custody when:
1. The court has issued an order or warrant, or
 2. Authorized by applicable federal, state or tribal code.
- B. Federal Juvenile Delinquency Act 18 §5033.

Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his/her legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the offense and the location where the parent can respond to.

- C. For a federal offense, officers are obligated by U.S.C. 18 §5033 to take juveniles before a magistrate forthwith, unless the juvenile is in need of emergency medical treatment. Immediately following treatment, the juvenile will be brought before the magistrate. In no event shall the juvenile be detained for longer than a reasonable time before being brought before a magistrate.
- D. When taking a juvenile into custody on the grounds of a school, law enforcement officers will:
1. Inform the school principal or other official of the officers' intent,
 2. Exercise good judgment in determining where on the grounds the juvenile is taken into custody,
 3. Apply restraints as required in this handbook.

3-16-04 INTERVIEWING/INTERROGATING JUVENILES AS POTENTIAL SUSPECTS

- A. Law enforcement officers will advise a juvenile taken into custody of their right to have their parent, guardian, or legal custodian present during the interview.



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- B. Law enforcement officers, who take a juvenile into custody, will inform the juvenile of his Miranda rights in a manner that is understandable to the juvenile. Officers will ensure that the constitutional rights of the juvenile are protected.

A juvenile's voluntary waiver of his/her rights is based on the totality of circumstances which include such factors as the juveniles age, education, experience, intelligence, background, and whether the juvenile understands the warnings given and the consequences of waiving those rights.

- C. No more than two officers will interview/interrogate juvenile suspects. The interviews will not be lengthy in duration and the juvenile will be afforded periodic breaks.
- D. Agency and juvenile justice system procedures will be explained to the juvenile as part of the interview/interrogation.

3-16-05 MEDICAL AND ALCOHOL EVALUATION OF JUVENILES

- A. When a juvenile is taken into custody and is in need of medical treatment, the law enforcement officer will transport the juvenile to a medical facility to receive such treatment prior to taking the juvenile to a law enforcement or detention facility.
- B. When a juvenile is under the influence of alcohol or drugs, the law enforcement officer will transport the juvenile to a medical facility or other program that has been authorized to perform substance abuse assessments of juveniles as required by Public Law 99-570.
- C. The law enforcement officer will request that the evaluating medical facility or other program document the results of their evaluation.
- D. The law enforcement officer will prepare a written report that explains the reason for the medical and/or substance abuse evaluation and attach a copy of the medical facility's evaluation of the juvenile.

3-16-06 FINGERPRINTING AND PHOTOGRAPHING JUVENILES

- A. Law enforcement officers will not photograph juveniles who are under investigation for an alleged offense except:
1. When a written court order for such photographs has been obtained, or
 2. To document injuries that the juvenile may have sustained.



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B. Law enforcement officers will not fingerprint juveniles unless latent fingerprints are discovered during an investigation of an offense and there is probable cause to believe that the fingerprints are those of the juvenile.

1. Officers will obtain a written court order prior to collecting the fingerprints.
2. Officers will immediately destroy the juvenile's fingerprint record if it is shown that the juvenile's fingerprints do not match those at the scene.

3-16-07 SCHOOL LIAISON PROGRAMS

A. Some OJS Agencies may have school liaison programs, based on the size of the agency, agency and community resources, staffing, and agency priorities. These programs may include, but are not limited to such programs as "D.A.R.E.", "G.R.E.A.T.", School Resource Program (3-14 LE Handbook), etc. Should an agency have such a program(s), it will be structured to include the following criteria, at a minimum:

1. acting as a resource with respect to delinquency prevention;
2. providing guidance on ethical issues in a classroom setting;
3. providing individual counseling and/or mentoring to students;
4. explaining the law enforcement role in society.



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3-17 COMMUNITY BASED POLICING PROGRAMS

POLICY

The Office of Justice Services is committed to working with the communities they serve to reduce the fear of crime and the perception of crime that occurs. Whenever possible, based on staffing levels, officers will work with members of the community by initiating crime prevention programs and other related community oriented policing activities, based on their level of training.

RULES AND PROCEDURES

3-17-01 GENERAL CRIME PREVENTION ACTIVITIES

- A. Trained officers, upon request, will provide knowledgeable, instructive advice to the public concerning steps which can be taken to reduce the opportunity for or lessen the loss from crime.
- B. Trained officers will offer their assistance to crime prevention activities taking place within their assigned patrol area such as: Neighborhood Watch, Business Watch, etc.
- C. Trained officers will make referrals to the appropriate resource either within or outside the BIA in response to crime prevention requests that exceed their knowledge or capability to accommodate.
- D. No officer or other employee will advise any person that the use of any crime prevention suggestion or program will prevent that person or any other person from becoming the victim of a crime.
- E. Crime prevention activities undertaken by police officers will be reported on daily logs.

3-17-02 FORMAL CRIME PREVENTION PROGRAMS

Neighborhood Watch/Business Watch

1. Officers will forward requests to establish a Neighborhood Watch or Business Watch to the Chief of Police for action.
2. The Chief of Police or designee will make an introductory presentation to the interested group and maintain contact with the group, once established, and contact it at least every three months.



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3. The Chief of Police, or designee, will provide briefings to the Neighborhood Watch groups detailing the crimes that have been reported in their specific neighborhoods.

3-17-03 EDUCATIONAL PROGRAMS

Officers may provide training on educational programs, based on their level of training in the program. Presentation of programs must be authorized by a supervisor.

3-17-04 REPORTING CRIME PREVENTION ACTIVITIES

The Chief of Police, or designee, will maintain up-to-date information on the following crime prevention strategies for reporting and evaluation purposes:

A. Neighborhood watch.

1. Number of Neighborhood Watch programs.
2. Date specific Neighborhood Watch programs begun.
3. Number of initial and follow-up Neighborhood Watch presentations.
4. Number of block captains.
 - a. Names, addresses, and telephone numbers of Neighborhood Watch program leaders and block captains.
 - b. Number of homes and businesses participating in Neighborhood Watch.

B. Educational Programs.

1. Number and types of programs.
2. Number of attendees.

C. Other programs.

1. Number and types presented.
2. Number of participants or attendees.
3. The Chief of Police/Special Agent in Charge will include this information in the Annual Report.



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3-17-05 COMMUNITY RIDE-ALONG PROGRAM

- A. Persons who want to participate in the Community Ride-Along Program will pick up ride-along forms at the agency police office during business hours. Completed request forms and waivers must be returned at least 48 hours before the desired ride-along date. Ride-Along forms include a liability waiver and a ride-along guideline form.
- B. The Agency Chief of Police/Special Agent in Charge is authorized to grant permission for citizens to ride with police officers. The Agency Chief/Special Agent in Charge may require that a records check be conducted prior to final approval.

3-17-06 COMMUNITY POLICING STRATEGY

- A. The Chief of Police or designee, with the assistance of a Community Policing Team (CPT), is responsible for implementing Community Policing. The CPT includes representatives of organized community groups such as Neighborhood Watch, representatives of local businesses, local governments, and interested citizens.
- B. The Chief of Police will identify resources that are required to implement Community Policing strategies and integrate them into the budgetary planning process.
- C. The Chief of Police will monitor the outcomes of the implemented strategies.
- D. The Chief and the CPT will identify major public safety issues facing the community and the community policing programs that currently exist or are planned to address them. These may include:
 - 1. Crime prevention efforts, such as youth programs, anti-violence programs, etc.
 - 2. Problem solving activities, such as crime prevention efforts that focus on reducing conditions, such as abandoned buildings and cars that lead to crime.
 - 3. Community partnerships, such as locating officers in specific neighborhoods.
 - 4. Community groups, such as schools, business groups, civic groups, etc., that are potential partners,
 - 5. Formal crime prevention/community policing activities, such as Neighborhood Watch, and community policing activities, such as foot or bike patrols, door-to-door-contacts, and working in schools.
- E. The CPT will recommend strategies for expansion and implementation.



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Form # 3-17-A

Revised:

CITIZEN RIDE-ALONG REQUEST

To Whom It May Concern:

I would like to ride along (date) _____, accompanying Officer _____

for the following reason(s):

I have read and signed the waiver form and I understand the provisions.

Name: _____ Date of Birth: _____

Address: _____

Telephone _____ Best time/date to contact: _____

Applicant's signature: _____ Date: _____

Official Use Only

From: Chief of Police

To: Officer _____

Subject: Authorization to Ride with Patrol Officer

Request is (circle one) Approved Disapproved.

Observer is authorized to ride-along with Officer _____ on date _____

from _____ (indicate start/end time).

PRIVACY ACT STATEMENT

The primary use of this information is for official investigative and Law enforcement purposes. Additional disclosure of the information may be: To a Federal, State, or local law enforcement agency when a violation or possible violation of civil or criminal law has occurred; to a Federal agency when conducting an investigation for employment or security reasons; to the Office of Personnel Management.



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RIDE ALONG WAIVER

KNOW ALL MEN BY THESE PRESENT, that I, _____ on my own behalf and on behalf of my heirs, next of kin, executors, administrators, estate agents and assigns, and representative of any nature whatsoever, for and in consideration of the authorization and permission to accompany officers or any officer of the Bureau of Indian Affairs, Office of Justice Services during the course of their or his/her duties, which has been granted to me at my voluntary request, after having been fully advised of the potential hazards of such activity or activities, do hereby WAIVE AND RELEASE all demands, damages, actions, causes of action, suits and claims of any nature whatsoever, whether in law or in equity, that I or my heirs, next of kin, executors, administrators, estate, agents and assigns, and representatives of any nature whatsoever might otherwise have against Bureau of Indian Affairs, Office of Justice Services, and each and every officer, official, member, employee, agent and attorney thereof and therefore, and his or her heirs, next of kin, executors, administrators, and estate, on account of my death or injuries, both to person and to property, whether foreseeable or not, which may occur, directly or indirectly, or develop at any time in the future as a result of my activities or association with the law enforcement agency, whether in a police vehicle, in the police station, or otherwise associated with the law enforcement agency, and officers and officials thereof in any manner whatsoever. It is expressly agreed and understood that this WAIVER AND RELEASE shall apply for the express purpose of precluding forever all claims, suits, demands, damages, and cause of action that I or my heirs, next of kin, executors, administrators, estate, agents and assigns and representatives of any nature whatsoever might otherwise assert against any of the aforesaid parties as a result of my association and activities with the Bureau of Indian Affairs, Office of Justice Services. I hereby declare that the terms of this WAIVER AND RELEASE have been fully read and understood by me, and freely and voluntarily entered into and accepted by me, and I hereby acknowledge receipt of a copy of this agreement. In further consideration of the aforesaid authorization and permission granted to me to accompany an officer or officers of the Bureau of Indian Affairs, Office of Justice Services at my own request, I hereby promise and agree to **fully comply** with all instructions given to me for the purpose of protecting my personal safety and that of my property.

IN WITNESS THEREOF, I have hereunto set my hand and seal this ____ day of _____, 201__

This waiver must be approved by the Chief of Police, Assistant Special Agent in Charge (ASAC) or Special Agent in Charge (SAC):

Signature, Chief of Police, ASAC or SAC: _____ Date: _____

Signature of Rider: _____ Date: _____

Signature of Witness: _____ Date: _____

Provide rider with a copy of this signed Ride Along Waiver



BIA-OFFICE OF JUSTICE SERVICES
LAW ENFORCEMENT HANDBOOK FORM



3rd Edition effective: 01/09/2015
Form # 3-17-A

Revised:

Dear Observer:

The ***Bureau of Indian Affairs, Office of Justice Services*** hopes that your Ride-Along has been informative, enlightening and has given you an insight into the problems facing law enforcement, your police officers, and your community. I welcome any comments, positive or negative, that you care to make.

Sincerely,

Chief of Police

OBSERVER'S RIDE-ALONG COMMENTS:

Name of Rider: _____

Age _____ Name of Officer assigned to: _____

1. What impressed you the most?

2. In what way did this experience affect your attitudes?

3. Relate any suggestions for or criticisms of the program.

Signature of Observer: _____



BIA-OFFICE OF JUSTICE SERVICES
LAW ENFORCEMENT HANDBOOK FORM



3rd Edition effective: 01/09/2015
Form # 3-17-A

Revised:

OFFICER OBSERVATIONS

Date of Ride: _____ Time of Ride: _____

Officer: _____ Name of Rider: _____

Any comments or problems:

If this person again requests ride-along permission, should it be granted?

Yes No if no explain

Officer's signature: _____

Date: _____



BIA-OFFICE OF JUSTICE SERVICES
LAW ENFORCEMENT HANDBOOK FORM



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NOTES



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3-18 VICTIM-WITNESS ASSISTANCE

POLICY

The OJS will respond to victims and witnesses of crime and provide necessary assistance in the most appropriate manner, as provided for by the OJS Victim-Witness Assistance Program, the US Attorney's Office, and associated tribal programs, consistent with all applicable laws and this directive.

RULES AND PROCEDURES

3-18-01 GENERAL INFORMATION

A. Legal Basis for Victim-Witness Assistance.

1. This section establishes procedures that respond to the needs of crime victims and witnesses. It combines the requirements of the Victim and Witness Protection Act of 1982 (VWPA), P.L. 97-291 (October 12, 1982), and the victims' rights statutes (Title V, Victims' Rights and Restitution Act of 1990 (VRRRA) and Title II, Victims of Child Abuse Act of 1990 (VOCA) contained in the Crime Control Act of 1990, P.L. 101-647 (November 29, 1990), "Act". The 1990 VRRRA creates, in effect, a Federal Victims of Crime Bill of Rights and codifies services are to be available to victims of Federal crimes.
2. These Acts have been mirrored in many state and tribal jurisdictions with similar requirements to assist victims of non-federal crimes. This Act does not specifically address the treatment of witnesses; however, it reinforces and augments the VWPA in acknowledging the necessary role of witnesses in the criminal justice process and in ensuring their fair treatment by responsible officials.

B. Purpose.

The primary purpose of the Victim-Witness Assistance Program is to ensure that victims and witnesses are assisted and advised of the Department of Justice (DOJ) program. Each Special Agent in Charge will identify and post a local source for access to this program.

C. Additional Legal Mandates to Assist Victims.

See also Public Law 97-291 dated October 12, 1982; VWPA, Public Law 101-647 dated November 29, 1990, the Crime Control Act of 1990, and the Attorney General's Guidelines for Victim and Witness Assistance dated August 6, 1991.

D. Excluded Classes.

This section does not apply to:

- E. Individuals who have committed or are reasonably believed to have committed a criminal offense.



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CALEA Standard(s)--55.1.1; 55.1.3; 55.2.1; 55.2.2; 55.2.3; 55.2.4; 55.2.5.

F. Federal departments, State, and local agencies, as entities, are not considered “victims” for purpose of the Crime Victims Bill of Rights.

G. In cases where the United States is the victim rather than an unidentified individual, victim services are obviously inapplicable (e.g., tax evasion and narcotics trafficking); but; in virtually all cases, there will be witnesses who will be entitled to witness services.

H. Victims’ Rights.

The Crime Victims’ Bill of Rights provides that officers and employees of Departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime make their best efforts to see that victims of crime are accorded the following rights:

1. The right to be treated with fairness and with respect for the victim's dignity and privacy.
2. The right to be reasonably protected from the accused offenders.
3. The right to be notified of court proceedings.
4. The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
5. The right to confer with the attorney for the Government in the case.
6. The right to restitution.
7. The right to information about the conviction, sentencing, imprisonment, and release of the offender.

I. Additional Information Contact.

See also U.S. Department of Justice Attorney General Guidelines for Victim and Witness Assistance, 1991. For additional information about services to victims and witnesses, contact local Victim-Witness Coordinator.

J. Victimization of Law Enforcement Agency Employees.

Employees of the law enforcement agency who are victims of crime are eligible for assistance under the provisions of these actions consistent with meeting other requirements.

K. No Additional Substantive or Procedural or Legal Rights Afforded by This Section.

This section does not create any substantive or procedural legal rights in any civil or criminal matter. It does not create, enlarge, or imply any duty or obligation to any victim, witness or other person for which the United States or its employees could be held liable in damages. Nor are any limitations hereby placed on otherwise lawful litigative prerogatives of the law enforcement agency. This section is intended to ensure that responsible officials, in the exercise of their discretion, treat victims and witnesses fairly and with understanding in accordance with applicable provisions of law.



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L. Philosophical Approach.

All agency personnel have responsibilities for and will support crime victim assistance efforts. Victim assistance is a cooperative effort that will result in better investigations. Agency employees should consider victims as clients of the criminal justice system who are to be treated with respect and fairness. Personnel are encouraged to use interpreters and translator services, if needed, to assist in this effort. Each Special Agent in Charge will identify and maintain a list of interpreters so that staff can contact them.

M. BIA Child Abuse Hotline.

This hotline telephone number is 1-800-633-5155.

3-18-02 ADMINISTRATION OF THE LAW ENFORCEMENT AGENCY'S VICTIM WITNESS PROGRAM

A. The Special Agent in Charge or designee will provide in-service training at least annually concerning victim assistance. Training will include, but is not limited to:

1. Recognition of symptoms of crisis (shock, disbelief, anger, fear, guilt, frustration),
2. Suggested approaches to interviewing victims,
3. Resources available to the officers,
4. Responsibility of all officers and employees in carrying out the procedures in this directive.
5. Current procedures used locally in the processing of a victim's case and the victim's role in each stage.

B. The Chief of Police, Supervisory Special Agent, or Special Agent in Charge will:

1. Maintain documentation of services provided to victims and witnesses in specific cases,
2. Require that employees coordinate services to victims with the appropriate U.S. Attorney's Office,
3. Designate one employee as Victim Witness Coordinator,
4. Ensure that officers receive training associated with this section, including training in local billing procedures associated with these services.

C. The Victim Witness Coordinator will develop and maintains accurate resource materials that identify services, counseling, and treatment programs that are available to victims and witnesses in their jurisdiction.

D. Officers who investigate violations of Federal law and the U.S. Attorney or other attorney who prosecutes cases are jointly responsible to decide whether the provisions contained in Services to Victims and Witnesses Procedure of this section should be applied in a particular case.

Law enforcement officers are required to assist victims, unless victims refuse it, and they may be negligent for improperly performing, or failing to perform a duty.



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3-18-03 SERVICES TO VICTIMS AND WITNESSES

- A. At the earliest opportunity after the detection of a crime, the officer will make reasonable and diligent efforts to:
1. Identify the victim of a crime,
 2. Inform the victims of their right to receive, on request, the services described in the Act, and
 3. Inform each victim of the name, title, business address and telephone number of the responsible official to whom such a request for services should be addressed.
 4. Provide to the victim(s), as soon as they are identified, a printed brochure, containing general information, brief description of rights and available services, as well as names and telephone numbers of key officials and victim and witness coordinators.
 5. Inform crime victims concerning:
 - a. The places where the victim may receive emergency medical and/or social services,
 - b. Compensation or restitution for which the victim may be entitled under this or any other applicable law and how they can obtain these services, and
 - c. The availability of public and private programs that provide counseling, treatment, and other support to the victim.
- B. To the extent that is necessary and feasible, officers will assist the victim in contacting the specific person or office that will provide the above services.
- C. Consistent with the provisions of 18 U.S.C. 3521-3528, officers will make the necessary and appropriate arrangements to enable victims and witnesses to receive reasonable protection against threat, harm, and intimidation from a suspected offender and persons acting for or at the request of a suspected offender.
- D. During the investigation and prosecution of a crime (if the victim or witness has provided a current address or telephone number), officers will make diligent and reasonable efforts to consult with and provide the victim or witness “the earliest possible notice” concerning:
1. The status of investigation of the crime, to the extent that it is appropriate and does not interfere with the investigation, including the decision not to seek an indictment or otherwise commence a prosecution, or
 2. The arrest or formal charging of a suspected offender.
- E. Officers will ensure that any property of a victim that is being held as evidence is maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes. If the property is not returned promptly, officers will explain the property's significance to the victim or witness.



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- F. Agencies that investigate sexual assaults will pay for the costs of the physical examination of the victim and the materials used to obtain evidence.
1. The Chief of Police or Supervisory Special Agent will develop procedures that direct how payment for these costs is arranged.
 2. If a victim is incorrectly billed for such an examination or materials, the agency will reimburse the victim.
- G. To the extent feasible, officers will extend other appropriate assistance to victims and witnesses including the following:
1. Officers will resist attempts by the defense to obtain discovery of the names, addresses, and phone numbers of victims and witnesses.
 2. Upon request by a victim or witness, the officers will assist in notifying:
 - a. The employer of the victim or witness if cooperation in the investigation of the crime causes the victim's or witness's absence from work.
 - b. When interviewing victims or witnesses at their places of employment or other public places, investigating officers will explain the individual's status as a victim or witness to employers and other interested parties and indicate the necessity for conducting the interview at that time, and:
 - c. The creditors of the victim or witness, if the crime or cooperation in its investigation affects the victim's or witness's ability to make timely payments.
 3. When appropriate, officers will provide information or assistance to victims and witnesses including transportation, parking, translator services, and related services.
- H. Officers should routinely provide information to victims or witnesses about the prohibition against victim or witness intimidation and harassment and the appropriate remedies. The officer, if warranted, will advise appropriate officials of instances of intimidation or harassment of any victim or witness.

3-18-04 VICTIM IMPACT STATEMENT

- A. If the crime is a federal offense, the officer assigned to an investigation will ensure that the appropriate Probation Officer is fully advised of information in the officer's possession that is pertinent to preparation of the victim impact statement required by Rule 32(c)(2) of the Federal Rules of Criminal Procedure. If the crime is a state or tribal offense, the officer assigned will ensure that information is provided to any official who must prepare the victim impact statement.
- B. The report fully reflects the effects of the crime upon victims, as well as the appropriateness and amount of restitution.
- C. The officer will advise the victim how to communicate directly with the probation officer if he/she desires.



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3-18-05 DISPATCHER RESPONSIBILITIES

- A. Dispatchers include dispatch personnel, Child Abuse Hotline operators, and any other law enforcement officers who receive calls for assistance.
- B. Dispatchers are often the first personnel to talk with victims. They must make judgments about the appropriate response needed to the victim's call.
- C. Dispatchers will use common sense and good judgment in dealing with victims and witnesses, obtaining information about the following items, if possible:
 - 1. Degree of physical injuries, if any, and medical assistance needs,
 - 2. Location, and
 - 3. Information about the situation, if it is still evolving.
- D. Dispatchers will assure victims that help is on the way, and for victims of violent crimes or child victims, dispatchers will keep the victim on line until officer arrives.
- E. Crime victims may respond in several different ways. Behavior and words of victims (no matter how hysterical or uncooperative) should be considered a normal part of the process of dealing with victims.
- F. Dispatchers will maintain a written list of department personnel and other agencies that can provide information and assistance to victims or their representatives. The Chief of Police will ensure that the list is updated annually.

3-18-06 PATROL RESPONSIBILITIES (FIRST OFFICER ON THE SCENE)

- A. On arrival at the scene, officers will:
 - 1. Record date and time of arrival,
 - 2. Determine location and condition of victim,
 - 3. Determine if suspect is still at crime scene, and initiate crime broadcast, if applicable,
 - 4. Summon an ambulance, if indicated, and
 - 5. Preserve the crime scene and fully explain to the victim what the investigation will entail.
- B. Officers will explain their role to crime victims and why they need to ask questions.
- C. Officers should know and practice crisis intervention skills.
- D. Officers will preserve the crime scene by:
 - 1. Ensuring that evidence is not destroyed or contaminated,
 - 2. Remaining at the crime scene until evidence is processed, and
 - 3. Tactfully informing victims of the necessity of taking photographs of the person and removing personal belongings for evidence.



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- E. Officers will identify and separate witnesses.
 - 1. Record names and addresses of witnesses and other persons at the scene.
 - 2. Obtain valid identification, if possible.
 - 3. Obtain preliminary statements.

- F. Officers will interview the victim separately from witnesses and in privacy.
 - 1. Victims are interviewed; suspects are interrogated. Interviews with victims require patience, firm but not overbearing control, tact, and a demonstrated concern for their discomfort.
 - 2. Officers will establish rapport with the victim and explain the necessity of asking specific personal questions.
 - 3. Officers will use appropriate interview techniques.

- G. Officers will assess medical/psychological needs of victim.
 - 1. The victim may want or need to be examined and reassured of his or her physical condition. Similarly, the victim may want or need to speak to someone for psychological support. (relative, friend, or counselor).
 - 2. The victim may be confused or unable to express his or her needs. Use good judgment and, if appropriate, refer victim to another agency.

- H. Transportation of crime victims.
 - 1. Officers may transport victims in department vehicles when necessary to accomplish a police purpose, i.e., to a medical facility, to the department or other criminal justice agency, to a safe shelter.
 - 2. Once the victim is taken to the necessary destination, the officer will escort the victim inside, ensuring that the proper authority is notified of arrival.

- I. In addition to the Offense/Incident Report, all officers will complete a standardized child abuse reporting form utilized by their jurisdiction.
 - 1. The purpose of the crime report is to document the incident for further investigation and prosecution.
 - 2. Reports must be factual, clear, concise, and unbiased.
 - 3. Be specific. Use victim's own terminology in report.
 - 4. Avoid personal opinions regarding any comments made by victims or witnesses.
 - 5. Use effective communicative skills which are both easy to understand and supportive of the victim.
 - 6. At the completion of the initial investigation, officers will provide the victim with the case number, officer's name and badge number, classification of crime, date of report, and phone number to obtain or relay additional information.
 - 7. Officers will advise the victim of how to obtain a copy of the offense/incident report.



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- J. Officers will give the victim or victim representative the following written information that explains the next steps to be taken in the case.
 - 1. Victim compensation information card (for violent offenses).
 - 2. Victim and Witness Information Brochures.
 - 3. Victim-Witness Program Brochure (if one exists).
 - 4. Copy of crime report (or information card).
- K. Officers will obtain victim contact information. Determine where the victim will be over the next several months: obtain addresses for any temporary or permanent residence, place of business, or other place to be contacted.
- L. If an officer takes property from the victim for purposes of investigation, he/she will provide a written receipt for such property to the victim accompanied by an explanation of why it is required as evidence
- M. Officers will notify the victim of the department's interest in protecting the victim from intimidation or threats by defendant, his family or friends. Officers instruct the victim to call the department if such activities occur.
- N. Officers will use discretion with media personnel.
 - 1. Officers will not give reporters specific information about the case that might impede its investigation and prosecution.
 - 2. Officers will protect the victim's identity by not releasing the victim's name or address.
 - 3. Officers will advise reporters to contact the supervisor for information.

3-18-07 INVESTIGATOR RESPONSIBILITIES

- A. The investigator's purpose is to follow-up the preliminary investigation, to provide additional investigation, to affect an arrest, and to prepare the case for prosecution. Immediate assignment of an investigator may occur following felony crimes.
- B. On arrival at scene, the investigator:
 - 1. Will receive a report from the patrol officer who completed the preliminary investigation.
 - 2. Will explain his/her role to the crime victims and why he/she needs to ask additional questions, perhaps repeating the patrol officer's questions. He/she will also explain the need for, and procedures concerning, crime lab tests.
- C. Investigators should be knowledgeable of and use crisis intervention skills.
- D. The investigator is responsible for evidence collection, testing and processing by:
 - 1. Gathering all pertinent evidence at the scene that will lead to the apprehension of the suspect.



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2. Making the necessary arrangements for forensic tests, drawings, and photographs.
 3. Using proper collection techniques.
 4. Recording all information with accuracy, clarity, and completeness.
 5. Reviewing test results after their return from lab.
 6. Completing other investigative tasks as specified elsewhere in this manual.
- E. The investigator is responsible for care and return of victim's property used as evidence by:
1. Notifying the victim where the property is stored, when it can be reclaimed, and how to reclaim it.
 2. Not charging the victim any fees for the collection, storage, and preservation of property.
 3. Expediting the return of property. Photograph as much as possible in order to return the property to its owner sooner.
- F. The investigator seeks out information from other officers and reports, reviews preliminary reports, and prepares notes concerning items/information needed.
- G. The investigator conducts any further interviews of victims and witnesses several hours or days following the incident. Choose a time and place convenient for the victim, if possible.
1. Obtain additional information that the victim was reluctant or forgot to provide during the preliminary investigation.
 2. Clarify any inconsistencies in the original report.
 3. Check for bruises or injuries that were not initially visible or not photographed and have photos taken.
- H. The investigator may also need to provide transportation for the crime victim.
- I. The investigator will attempt to identify suspects, if unknown, through the use of one or more of the following:
1. Arrange for the victim to develop a composite drawing via resource such as Identi-Kit or other means. The person doing the composite may have to spend time with the victim alone to accomplish this.
 2. Arrange for the victim to review police photographs. Provide necessary transportation. To assume an accurate identification, a reasonable number of photos should be shown to the victim, even if the suspect is selected almost immediately.
 3. Arrange for the victim to review a physical line-up of potential suspects. Provide necessary transportation. Explain the process to be used and choose a time convenient for the victim.



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4. Before viewing the line-up, the investigator will instruct the victim that:
 - a. Neither the victim's identity nor address will be revealed to the suspect.
 - b. The purpose for the line-up is as much to exonerate the innocent, as it is to identify the accused.
 - c. Victims must look at the line-up carefully and voice any doubts or uncertainties about an identification.
 - d. A victim may request that the participants in the line speak certain words, make certain gestures, or assume particular poses. All participants will be required to perform the same acts.
 - e. Victims are not required to talk to the defense attorney during the line-up.
 5. Identification procedures may be very traumatic for the victim, as he/she will be confronting the accused for, perhaps, the first time since the incident. Allow victim's attorney or advocate accompanying him/her during the line-up.
- J. The investigator will notify the victim as soon as possible about the arrest, custody status, and charges filed.
- K. The investigator will prepare an investigative case report to include any available evidence and lab results, to be used in court. Remember, the investigator will be with the victim through all court proceedings while prosecutors and defense attorneys may change.
- L. The investigator is also responsible to:
1. Re-contacting the Victim-Witness periodically to determine whether needs are being met.
 2. Maintain victim's case confidentiality,
 3. Provide support for the victim,
 4. Protect the victim/take action regarding intimidation or threats by the defendant and his family or friends,
 5. Keep the victim informed of results of hospital and lab tests,
 6. Notify the victim if defendant makes bond or has a bond reduction hearing scheduled,
 7. Explain the criminal justice procedures spending. Remind the victim that he or she will see the accused in court and reassure the victim's safety,
 8. Work closely with prosecuting attorneys in pretrial and trial preparation,
 9. Give the victim one's name and phone number for further contact,
 10. Advise the victim of social service agencies, including the victim assistance program, domestic violence shelter, or sexual assault center, if available in the area.
 11. Assigning a victim advocate, if available, to the Victim-Witness during follow-up investigation.



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12. Notify the victim when the department closes (clears) the case by any of these means:
 - a. Victim non-cooperation - should happen rarely if victims are encouraged and supported during the investigation.
 - b. Cases of non-prosecution -- explain to the victim that a lack of prosecution or legal insufficiency does not reflect on his or her credibility.
 - c. Unfounded cases -- only when it is proven that the offense did not occur.
 - d. Exceptional clearance - consult the UCR guidelines for this procedure and explain reasons to the victim.

3-18-08 VICTIM AND WITNESS PROTECTION ACT RECORD KEEPING MANDATES

- A. The Victim and Witness Protection Act of 1982, P.L. 97-291, and subsequent amendments and legislation, endeavor to ensure restitution, personal safety, and fair treatment for victims of Federal crimes. It is mandatory that all law enforcement officers/investigators adhere to requirements under the Victim and Witness Protection Act and fully cooperate with U.S. Attorney victim-witness coordinators. Officers will complete the Victim-Witness Information Form BIA-6835, immediately and forward a copy to the U.S. Attorney victim-witness Coordinator and a copy to the victim and/or witness, as appropriate.
- B. Documents containing the name of or information about children under the age of 18 who are victims or witnesses are kept, as a minimum, in a secure locked cabinet, with access restricted to those persons with an actual need in the performance of their duties related to the criminal proceedings. Disclosure of documents or information that relates to a child is made only to those persons who, by reason of their participation in the proceedings, have reason to know such information. These confidentiality requirements are not intended to hamper the efforts of child protection team members in providing services to victims or witnesses, or from sharing information vital to effective investigation and prosecution of a case. Only members of these teams are allowed access to information required to provide services that each team, in their professional role, is capable of providing.

3-18-09 ENCOURAGING FOLLOW-THROUGH BY DOMESTIC VIOLENCE VICTIMS

- A. The victim services coordinator will notify the victim of any conditions of bail imposed at court and advise the victim of the right to request revocation of bail from the court if the conditions are violated.
- B. To the extent possible, the victim's services coordinator will contact victims of domestic incidents for the purpose of follow-up. The contact will be made within 30 days of the incident to determine whether subsequent violence or acts of intimidation have occurred. If they have, the victim's services coordinator will advise the supervisor of the officer or unit to which the case was assigned.
- C. The supervisor will designate an officer to investigate the new incident, in accordance with the provisions of the domestic violence section.



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3-19 VICTIM ASSISTANCE FUND

POLICY

The Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), Victim Assistance Fund (VAF) (hereinafter referred to as VAF), has been established to provide needed services for victims of federal and tribal crimes once an investigative case has been opened. The VAF is a fund of last resort.

All VAF requests will comply with 42 U.S.C. § 10603 (d) (2) (A-D) and 10603 (d) (4), and 42 U.S.C. § 10607 (e) (2), which set forth definitions, including services to victims of crime. Where applicable, the OJS Victim Assistance Fund will adhere to the Office for Victims of Crime, *Federal Victim Assistance Fund Guidelines*, which set forth allowable costs and services that may be supported by the Federal Crime Victim Assistance Fund.

DEFINITIONS

A. Victim

1. A person who has suffered direct physical, emotional, or pecuniary harm as the result of the commission of a crime;
2. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference): Spouse, a legal guardian, a parent, a child, a sibling, another family member, or another person designated by the court.

B. Services to Victims of Crime

1. Intervention services to include, crises counseling in the immediate aftermath of a crime;
2. Providing, in an emergency, transportation to court, short term child care services, and temporary housing and security measures;
3. Assistance in participating in criminal justice proceedings;
4. Payment of all reasonable costs for a forensic medical examination of a crime victim to the extent that such costs are otherwise not reimbursed or paid.

C. Incapacitated Person

Shall refer to a person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.

D. Short Term-is defined as not to exceed 30 days.



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CALEA Standard(s)--

Revised:

E. Emergency Assistance-is defined as immediate and necessary assistance for the well-being of victims.

F. Substantial Assistance-refers to the measure of service provided to victims of crime.

RULES AND PROCEDURES

3-19-01 PURPOSE

- A. The primary purpose of the VAF is to ensure crime victims within BIA jurisdiction have access to emergency assistance once an investigative case has been opened.
- B. The purpose for the VAF is to assist crime victims when all other financial resources have been exhausted. The intent of the VAF is not a separate system of service, but rather, to be used when no other financial resources are available. *Victim Assistance Funds are to be utilized as a last resort, whether an emergency, or a short-term need.*

3-19-02 AVAILABILITY OF FUNDS

The ability of OJS to approve requests for the Victim Assistance Fund is completely dependent upon the availability of funds. The existence of these funds does not create a legal obligation on the part of OJS to provide financial assistance to victims. Funding shall be established under the Division of Field Operations, Victim Assistance account and in accordance with appropriation authority provided either by Congressional appropriations or by statutory authority.

3-19-03 ALLOWABLE COSTS

- A. All VAF requests for assistance must result directly from the commission of a crime.
- B. The Victim Assistance Fund shall be utilized where deemed necessary only for cases where substantial assistance is provided by the BIA Victim Specialists and/or Supervisory Victim Specialists in conjunction with the case agent. The Victim Specialists and/or Supervisory Victim Specialist will insure the VAF will not be used to duplicate financial assistance or services provided by other federal, state, and/or tribal resources.
- C. Assistance deemed necessary for the well-being of a victim/s may include the, following (but may not be limited to): Temporary Lodging or Emergency Shelter, Emergency Child Care, Relocation Assistance, Transportation, Emergency/Temporary Subsistence, Telephone Services, Medical/Professional Services, Specialized Services (i.e. Interpreter Services), and Miscellaneous items such as bottled water, diapers, formula, and food cards, during a crises response and/or in transport of victims.



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Revised:

- D. All expenditures must be necessary and within reason to avoid abuse and misuse of federal funds.
- E. The BIA Victim Assistance Standard Operating Procedures provide rules and regulations on the use of OJS Victim Assistance Funds.

3-19-04 COSTS NOT AUTHORIZED

- A. The following are examples of un-authorized costs:

1. Expert Witnesses
2. Witness Protection/Security
3. Lodging in Excess of 30 days
4. Long-Term Child Care
5. Expenses Related to Recovering Lost Property
6. General Household Items
7. Funeral/Burial Expenses
8. Lost Wages
9. Perpetrator Rehabilitation and Counseling
10. Purchase of gifts or other unnecessary items

- B. The VAF should not be used as a means of protection nor should the fund be used to meet the needs of the criminal justice system, and not the victim. If the law enforcement agency has reason to believe a person's life is in imminent danger, other immediate steps must be taken by law enforcement personnel. The VAF should be utilized within limits using sound judgment of the Victim Specialists, the Supervisory Victim Specialists, and/or the National Coordinator.

3-19-05 VAF RECORDS MANAGEMENT

- A. The Victim Assistance Program shall maintain the requests, supporting documents, and all other pertinent information pursuant to the appropriate General Records Schedule (GRS).
- B. The VAF Records Manager shall maintain a record keeping account of all approved expenses and submit quarterly financial reports to the VAF National Coordinator.
- C. The VAF Records Manager and the National Coordinator shall conduct quarterly reviews of the requests submitted for the VAF, and ensure all records are complete in accordance to the VAF policy guidelines.
- D. The VAF Records Manager shall ensure VAF credit cards are reconciled monthly and in a timely fashion.
- E. All Supervisory Victim Specialists and Victim Specialists shall receive appropriate training on Indian Affairs charge card policies and procedures.



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3-19-06 PURCHASING AUTHORITY

- A. The Supervisory Victim Specialists and the Victim Specialists shall acquire Micro Purchasing Authority for the expressed use of the VAF. This authority is needed to make purchases in the open-market and to make purchases in accordance with current federal laws and regulations. The Supervisory Victim Specialists and Victim Specialists shall maintain their Micro Purchasing Authority status via the required annual training.
- B. The determination of assistance is at the discretion of each Victim Specialist, up to and including, one hundred dollars (\$100.00) for any single purchase. Any dollar amount above one hundred dollars but not exceeding five hundred dollars (\$500.00) is at the discretion of the Supervisory Victim Specialist. Any request exceeding five hundred dollars shall be submitted to the National Coordinator and/or when necessary to the Associate Director of Field Operations Division for review and approval.
- C. The National Coordinator and/or the Supervisory Victim Specialist/s shall have the authority and the responsibility to monitor government credit cards issued to the Victim Specialists to ensure proper reconciliation of approved expenditures.



Effective: 01/09/2015
Form # 2-54-A

Revised:

Lodging Authorization Form

Dear Sir/Madam,

This form has been created by the Bureau of Indian Affairs, Office of Justice Services, to authorize payment for lodging on behalf of the guest listed below. Please utilize the credit card information below. Please note that payment is authorized **for room and taxes only**. **Payment will not be authorized for food, phone, in-room movies, internet, or mini bar expenses or any other incidentals.**

Hotel Name		Hotel Phone #	
Hotel Address/Location		Hotel Fax #	
Confirmation #		Point of Contact	
Guest Name		Arrival Date	
Room Rate/Tax (separate costs)		Departure Date	
		Total	

Credit Card Information:

JP Morgan Chase MasterCard # _____ (last four digits only)

Expiration Date: _____

Billing Address: Bureau of Indian Affairs
Office of Justice Services/Victim Assistance
1849 C. Street, NW
Washington, DC 20240

Authorized Cardholder Signature:

Signature		Title		Date	
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Due to security concerns, we are requesting your consideration in not requiring a photocopy of the card and photo identification. Please fax or email a copy of the final receipt to the BIA Office of Justice Services, Victim Assistance Program at 000-000-0000. If you have any questions please call _____ at _____.



Effective: 01/09/2015
Form # 2-54-B

Revised:

VICTIM ASSISTANCE FUND (VAF) CHILD CARE PROVIDER FORM

DATE:

VS MAKING THE REQUEST:

LOCATION:

AMOUNT REQUESTED:

OTHER RESOURCES CONTACTED:

FBI VS Program Tribal Programs Local Resources Other Resources

JUSTIFICATION: (To be completed by VS making the request. Include comments on other resources contacted.)

Resources Contacted (mark boxes above if contact was made to inquire on available assistance)

FBI – _____; Tribal programs – _____; Local Resources – _____; Other Resources – _____

CHILDREN: (List only the children in need of care)

First Name	Age	Service Begins	Service Ends	Total Hours (per day/ per child)

Hourly Rate	# of Children	Total Number of Hours	Total ¹

Name of Child Care Provider ²	Physical/Mailing Address	Phone Number

Child Care Provider Signature

Date

¹ Total is the # Hourly Rate times the # of Children times the # of hours times.

² A receipt for services paid must be attached to this document and signed by the child care provider.



Effective: 01/09/2015
Form # 2-54-C

Revised:

Victim Assistance Fund (VAF) Justification Form

I. CASE INFORMATION

Victim Specialist: _____
(Print Name)

Tribal Community _____

Lead Law Enforcement Agency: _____

BIA Region/District _____

LE Case Number: _____ Special Agent/Officer: _____

Provide a brief narrative of consultation & consensus with case agent/criminal investigator/or officer on the use of funds:

Please list all law enforcement agencies involved: _____

USAO Information: Victim Specialist must complete this section when notification to the USAO has been made that VAF funds were provided to the victim. ***A copy of 3-19-C Justification Form Sections I and II **only** shall be submitted to the USAO when the case is submitted for review.

AUSA Notified? ___ Yes Region/District _____

Case referred to USAO for prosecution? ___ Yes ___ No

Referral to USAO Victim Witness program has been completed? ___ Yes ___ No ___ Pending (please provide more information in Section II-Justification)

II. JUSTIFICATION (BIA VS will not quote a victim or witness anywhere on this form)

Briefly explain emergency need (e.g. emotional, well-being, physical need):

Identify assistance provided to the identified victim(s) :

Certification³: _____ Authorization⁴: _____

Victim Specialist _____ Date: _____ Supervisory Victim Specialist _____ Date: _____

Consensus⁵: _____

Case Agent _____ Date: _____

³ Certification by the VS that all the criteria in this document has been met; if \$100 or less VS can submit directly to SVS for Authorization.
⁴ SVS Authorization if amount is over \$100; and/or all approval received if over \$500.
⁵ Case agent signature must be obtained PRIOR to submission to the USAO if federally charged. SUPPORTING DOCUMENTS ATTACHED



Effective: 01/09/2015
 Form # 2-54-C

Revised:

III. CERTIFICATION OF RESOURCES REQUESTED (VAF is a fund of last resort)

1. Have all other resources been exhausted? (please describe any agency and/or program contacted for assistance listed in Anticipated Costs) FBI Tribal Local Resources Other Resources

2. Describe anticipated assistance/services needed as a result of the commission of a crime:

3. Anticipated Allowable Costs (Over \$100):

Period of assistance/services: Start: _____ **End:** _____

	Description	Anticipated Cost	Approved Cost
<input type="checkbox"/>	Temporary Housing (lodging) or Emergency Shelter		
<input type="checkbox"/>	Emergency Child Care		
<input type="checkbox"/>	Relocation		
<input type="checkbox"/>	Transportation		
<input type="checkbox"/>	Emergency/Temporary Subsistence		
<input type="checkbox"/>	Telephone Services		
<input type="checkbox"/>	Professional/Medical Services		
<input type="checkbox"/>	Miscellaneous Expenses (please describe)		
	TOTAL		



Effective: 01/09/2015
 Form # 2-54-C

Revised:

4. List of Recipients: (Individual responsible for receipt of funds is listed first. If Minors list their first name only and age)

Name	Age	Relationship
		Self

5. Other Comments:

6. Supervisor Comments:

IV. AGENCY APPROVAL

Victim Specialist
 (Any amount under \$100)

Date

Supervisory Victim Specialist
 (Any amount under \$500)

Date



**BIA-OFFICE OF JUSTICE SERVICES
*LAW ENFORCEMENT HANDBOOK FORM***



Effective: 01/09/2015
Form # 2-54-C

Revised:

National Coordinator (Program Coordinator)
(Any amount over \$500)

Date

V. ACCOUNTING INFORMATION (to be completed by Records Manager)

Pre-Paid Expenditure Micro-Purchase Reimbursement Request
VS Card # _____

Fund	
Functional Area	
Cost Center	
WBS	
Amount	\$



Effective: 01/09/2015
Form # 2-54-D

Revised:

Victim Assistance Fund REVIEW CHECKLIST

For ALL VAF requests ensure the following:

THE REQUEST ADHERES TO THE VAF GUIDELINES BELOW:

(refer to the allowable/unallowable costs/activities guidance if needed)

- Federal Case is opened by BIA. VS provided justification for use of funds from LE and provided a case #. (when available)
- Case Indicted. Has referral to USAO been completed to use their emergency funds? (In limited circumstances, VAF can be used for post-indictment services such as counseling or treatment programs. Other situations may be considered on a case by case basis).
- Services requested respond to emergency needs that are a direct result of the commission of a crime.
- Description was provided of efforts made to obtain assistance from other sources including Crime Victims' Compensation and were not successful and no other financial resources are available. (VAF is a fund of last resort).
- Brief description of the crime being investigated and impact on victim has been provided.
- Victim(s) identified (42 USC § 10607(e) (2)), witness/culpable persons not eligible.
- If counseling is requested, this is short-term assistance. Usually no more than 4-6 sessions are able to be approved. (OVC prior approval required).
- Sufficient funds are available to meet the request and is within approved threshold.
- Request is short-term (not to exceed 30 days).
- Substantial assistance has been provided by the VS and/or the VS in conjunction with the case agent.
- Notification for use of funds has been provided to the case agent and/or , when appropriate (federal and tribal).
- Request falls under allowable costs.

CHILD CASES

- If the case involves minor(s), it is determined who currently has custody of the minor(s) and/or who will have custody.
- If child is in custody of CPS/SS (child protective services/social services), VAF should not be utilized. Costs for care of children in child protective custody should be paid by the agency having custody of the minor(s).



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 Form # 2-54-D

Revised:

- Verify that CPS/SS are involved and coordinated efforts are in place between all parties.
- If child (ren) are to be transported without a legal guardian, a completed Authorization to Transport or Accompany Minor Form is required prior to transporting the minor child(ren).

FROM SUPERVISORY VICTIM SPECIALIST (SVS)

APPROVAL PROCESS

- Establish method of payment for services for VAF expenses:
 - Reimbursement Form SF-1164, BIA credit card, Pre-paid credit card
- Request for Reimbursement:** No other means is available. VS contacted his/her supervisor for approval prior to any expenditure of funds, and a completed SF 1164 Request for Reimbursement along with supporting documentation and/or justification was provided by the VS to the Supervisor. (Verified all other resources have been exhausted)
- Monthly reconciliation of all purchases to the Governments travel credit card and to receipts is complete. All receipts have been submitted to the Records Manager. Charge Card Purchase Log and receipts were reconciled to the Government travel credit card sent to VAF Records Manager and by the **5th day** of the following month.
- Pre-paid credit card issued to:**
 - Initial Card VS # _____ Name _____
 - Initial Card VS # _____ Name _____
 - Initial Card VS # _____ Name _____
 - Initial Card VS # _____ Name _____
 - Initial Card VS # _____ Name _____



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Form # 2-54-D

Revised:

*** EVERY single request to use VAF funds must have supporting documentation that shows what is being purchased, from whom, what it cost, and who it will benefit. In other words—an invoice or receipt for each and every expense per victim clearly outlined by case #. It is not enough to have the expense listed on a bill and the VAF checklist. It is up to the Supervisory Victim Specialist/Victim Specialist to make sure that documentation of the expenditures is obtained.

** There will be one repository for all documentation related to the VAF expenditures and the VAF Records Manager will maintain it. The SVS/VS shall maintain a copy of all VAF requests, documentation, receipts, and approvals in a secure location.

SVS Review Completed: _____ Date: _____



BIA-OFFICE OF JUSTICE SERVICES
LAW ENFORCEMENT HANDBOOK FORM



Effective: 01/09/2015
Form # 2-54-D

Revised:



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3-20 CANINE TEAMS

POLICY

Because of the superior sense of smell and hearing and potential aggressiveness, the trained law enforcement canine is a valuable supplement to police manpower. However, utilization of canines requires adherence to procedures that properly control their use of force potential and that channel their specialized capabilities into legally acceptable crime prevention and control activities.

RULES AND PROCEDURES

3-20-01 LEGAL USE OF CANINES

- A. The use of a canine under certain circumstances may be considered a use of force by a police officer. While this force is generally not considered deadly force, supervisors and canine handlers must always consider how the canine is to be deployed and what level of force is being initiated as defined in the OJS Use of Force policy. Inappropriate deployment of a canine is not authorized.
- B. It is recognized that situations may arise which do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a police canine in view of the totality of the circumstances.

3-20-02 ADMINISTRATION OF THE CANINE PROGRAM

- A. The Associate Director, Directorate of Operations, shall appoint a National Canine Coordinator (NCC) and authorize each District Special Agent in Charge (SAC) to appoint a District Canine Coordinator (DCC) for the district canine program. The National Canine Coordinator will be responsible for ensuring that the OJS Canine program meets organizational requirements and goals. The NCC shall evaluate the canine program and suggest any changes to the Directorate of Operations Associate Director. The NCC will serve as a Point of Contact for the Office of Law Enforcement and Security (OLES).
- B. National and District Canine Coordinators do not have direct supervisory authority over operational Canine Teams.
- C. The National Canine Coordinator is responsible for providing oversight and acting as a liaison with district SAC's regarding District Canine Teams, but has no supervisory authority over the teams.
- D. The National Canine Coordinator will conduct an annual review and analysis of all canine teams and deployments as part of the annual re-certification and specialized assignment (see LE Handbook 2-17-03) process. The Associate Director Directorate of Operations and the District SAC will be provided with a summary of deployments and canine team analysis.



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- E. A copy of all bite reports will be forwarded to the National Canine Coordinator for review and investigational determination. When an investigation is warranted, the NCC will assign investigation responsibility to the reporting agency or to IAD.
- F. Qualifications for selection as a District Canine Coordinator shall include but not be limited to the following:
 - 1. Minimum of 3 years as a canine handler
 - 2. Completion of an IPA approved Canine Handler Supervisor training
- G. District Canine Coordinators shall ensure that all supervisory personnel that have canine team(s) assigned to their areas receive orientation training necessary to provide appropriate assignments and duties for the canine team(s).
- H. District Canine Coordinators are responsible for:
 - 1. Canine equipment inspections, inventory and recommending purchases;
 - 2. Standardizing equipment (vehicles, etc.) used by Canine Teams.
 - 3. Coordination of In-Service Training/Certifications (Local/State/Federal).
 - 4. Maintaining of canine medical records, training logs, and deployment logs.
 - 5. Distribution of canine handler's phone numbers for emergency calls. Handler numbers will be provided to all appropriate BIA Law Enforcement Supervisors and Communications sections.
- I. The National Canine Coordinator or District Canine Coordinator will assist Chiefs' of Police with canine teams in developing an operational canine budget plan for each fiscal year, which will include such budgetary items as:
 - 1. Training equipment
 - 2. Food
 - 3. Veterinarian/Medical
- J. The District Canine Coordinator is responsible for initiating and maintaining Memorandums of Understanding/Special Deputation/Special Authorizations to assist any outside agencies. Once implemented, the District Canine Coordinator will send copies of the above described documents to the effected agency Chief of Police. The Chief of Police will forward copies of the documents to the District SAC for review and approval.
- K. The District Canine Coordinator shall conduct and document quarterly reviews of the following and submit to the NCC:
 - 1. All canine training occurring in the district
 - 2. All certifications
 - 3. All deployments
 - 4. All bite reports
 - 5. Teams physical and mental stability



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L. The District Canine Coordinator will conduct an annual evaluation of bite reports and advise the District SAC of the findings. Any non-training bite incidents by any particular canine will initiate an investigation of the handler/canine team.

1. Investigations may lead to the removal of the handler/canine team, based on the investigation. During an investigation, the canine will not be used.
2. An evaluation/investigation of a handler/canine may be requested at any time by a Chief of Police, based on reports or supervisors recommendations. The NCC or DCC will review the request and conduct an investigation or advise the Chief of Police why an investigation is not appropriate. Copies of all investigations will be forwarded to IAD.

3-20-03 REQUEST TO IMPLEMENT A CANINE TEAM

A. An agency Chief of Police may initiate a formal request to form a Canine Team within his/her agency. The written request must address the following issues, at a minimum:

1. Reason(s) Canine Team is needed in the agency.
2. Identification of a sworn officer within the agency interested and capable of meeting all requirements to become a canine handler.
3. Proposed budget including initial acquisition of canine, training for handler and agency supervisors, ongoing maintenance of canine including overtime costs for care of canine, and cost of appropriate canine vehicle.

B. The request will be submitted through the chain of command to the National Canine Coordinator and the Associate Director, Division of Law Enforcement for review and approval.

C. Requests from agencies with fewer than 8 sworn uniformed patrol officers will not be considered unless valid justification is provided.

3-20-04 ACQUISITION AND INITIAL TRAINING OF CANINES

Canines for use in the BIA-OJS service will be acquired and trained based on the following:

1. Police service canines will be acquired from an OJS-IPA approved training facility that provides training for the handler and canine. Acquisition is based on successful completion of the training course and meeting all federal guidelines for government contracts.
2. Canines will be evaluated by a selection team including but not limited to the NCC, DCC, and the handler candidate using standardized criteria for selecting the appropriate canine, on a case by case basis.
3. In no instance will a canine handler and canine be used for any police function until the handler and canine have been trained and certified for that purpose.



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Revised:

4. Only Federal Government owned canines listed on an Agency Property Inventory will be used. Canines personally owned by a handler or owned or purchased by a Tribal Agency are not authorized for use by BIA-OJS law enforcement personnel.
5. Donated canines will not be used for the Canine Program, due to lack of documented background information on the canine and the potential for future liability.
6. Monetary donations for the acquisition of a police canine are not acceptable.

3-20-05 CANINE HANDLER SELECTION

A. Applicants for a police canine team must have:

1. At least three years of uniform patrol experience with satisfactory work performance, disciplinary, and medical leave records,
2. A willingness to remain with the team for five years.
3. A willingness to work flexible hours, overtime, and to be called out during off-duty hours.
4. A willingness (with other family members) to care for, house, and maintain a canine at the officer's home with a secured outdoor area for the canine. Severe weather conditions may require special housing.
5. A strong desire to work with canines and willingness to care for and train the canine.
6. The ability to meet and maintain physical fitness standards necessary to reasonably control their assigned canine, both on and off duty.
7. character traits and abilities including but not limited to:
 - a. maturity
 - b. patience
 - c. initiative
 - d. flexibility
 - e. dependability
 - f. enthusiasm
 - g. emotional stability
 - h. good communications skills-verbal and written
 - i. good interpersonal relationships with the public and other employees

B. The agency Chief of Police and District Canine Coordinator shall be responsible for selection of canine handlers in accordance with established BIA-OJS selection procedures.

C. As part of the handler selection process, the District Canine Coordinator will contact the spouse of the handler candidate, explain the requirements associated with housing a canine, and seek concurrence of the spouse.

D. A handler's residence must have adequate space for the placement of an approved kennel. No apartments or small residences are appropriate. Adequate kennel space and property for the canine to run should pose no hazard to either the canine or other residents.



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- E. New canine handlers must complete the IPA approved BIA-OJS Canine Training Course and successfully meet all course requirements.
- F. As a safety precaution, handlers will, when feasible, make personal contact with adjacent neighbors and advise them of the intent to board a police canine.
- G. Canine handlers will be responsible for controlling their assigned canine at all times.

3-20-06 CERTIFICATION AND TRAINING

- A. BIA OJS K-9 Teams will be certified once a year by a nationally recognized canine organization, e.g. United States Police Canine Association (USPCA), North American Police Working Dog Association (NAPWDA), and, when appropriate, will meet State certification requirements. Teams must meet all national standards to be certified.
- B. The National Canine Coordinator, in conjunction with the District Canine Coordinators, will insure a training curriculum is in place and that canine team certification and training records are maintained that include but are not limited to:
 - 1. the date
 - 2. location
 - 3. skills evaluated
 - 4. length of training
- C. Canine team certification and re-certification training will include the following:
 - 1. Canine team fundamentals (e.g., legal update, obedience, scent work, etc.)
 - 2. Canine care (e.g. basic grooming, health care, and first aid for canines, etc.)
 - 3. Canine team bite response (e.g., medical treatment, photographs, investigation, etc.)
 - 4. Canine team reporting requirements
 - 5. Canine team use policies
- D. Canine Teams will demonstrate their trained abilities to the National Canine Coordinator, DCC, District SAC, and agency Chief of Police when requested on a case by case basis.
- E. Canine Teams will complete a minimum of sixteen hours of training per month. The Chief of Police or designated supervisor will authorize the canine team to utilize sixteen hours per month for canine training which may require overtime.
- F. If Special Events or Staff Shortages prevent the scheduling of training hours, then the minimum hours of overtime may be authorized for training purposes.



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- G. To facilitate training and certification, the National Canine Coordinator, District Canine Coordinators, and qualified canine supervisors will be trained and certified to train and certify canine teams, including holding DEA licenses for handling controlled substances for training purposes.
- H. Failure to participate in or qualify under established training standards will result in decertification of the team. The team will not be deployed until re-certified.

3-20-07 CANINE TRAINING DISCIPLINES

- A. BIA-OJS Training for canines includes single or multiple training in the following categories:
 - 1. Search and Rescue, tracking
 - 2. Drug Detection, hidden substances
 - 3. Explosives
 - 4. Building searches for drugs
 - 5. Handler protection

3-20-08 CANINE HANDLER ASSIGNMENTS/DUTIES

- A. Canine handlers will be assigned to the Law Enforcement Division and function as patrol officers on their assigned shift. All policies, rules, and regulations, pertaining to patrol officers will apply to canine handlers. Canine Handlers will adhere to their agency chain of command. Patrol functions of the canine team based on training will include but not be limited to responding to:
 - 1. Vehicle stops
 - 2. Searches of buildings and public areas for drugs
 - 3. Approved school searches (not involving searches of individuals).
- B. Properly equipped Sport Utility Vehicles will be used as a canine unit. Prisoners will not be transported in any sedan currently being used as a canine unit.
- C. Canine SUV units shall be equipped to carry the police canine and arrested prisoner if necessary, by being equipped with a 1/3 - 2/3 canine carrier/prisoner carrier or slide in custom crate. In every case when it is necessary to transport a prisoner, complete physical separation between the prisoner and canine will be maintained.
- D. Canine handlers duties shall include, but are not limited to maintaining the:
 - 1. Physical fitness, cleanliness, and care of the police canine,
 - 2. Canine equipment, vehicle, and adequate supplies,
 - 3. Agency installed kennel at the handler's residence.
 - 4. Incident logs, when requests for canine team are made, used or not.
 - 5. Completion of all training logs and incidents logs, monthly.
 - 6. Maintenance of all training, certification, and deployment records.



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3-20-09 CANINE TEAM DEPLOYMENT

- A. Properly trained and authorized Canine teams will locate lost or missing persons, hidden instruments or evidence of a crime, detect the presence of concealed drugs/narcotics/controlled substances or explosives.
- B. Guidelines for proper deployment of a canine are thoroughly covered during handler/canine initial and in-service training. Deployment shall be based on a canines trained discipline(s). Handlers must follow training guidelines when deploying the canine.
- C. Canine Handlers are law enforcement officers and as such, may be dispatched to calls not requiring the use of a canine, based on staffing levels. When staffing levels are adequate, Canine teams should not be used to respond to minor complaints but may engage in assignments not listed herein with the approval of the Chief of Police or agency police supervisor.
- D. The Canine handler is responsible for determining whether a situation justifies canine use and the appropriate tactical measures that should be taken. Canine handlers must reevaluate the threat throughout a canine deployment or apprehension. When the on-scene supervisor disagrees with the handler's tactical assessment, no supervisor shall order deployment of a canine when the canine handler presents valid objection to the deployment. However, a supervisor sufficiently apprised of the situation may decide not to deploy the canine.
- E. Except in exigent circumstances or where there is imminent danger of death or serious injury, the canine, when deployed, should be kept in visual contact by the canine handler.
- F. Police canines shall not be handled or given commands by anyone other than the assigned handler. Should the assigned handler be injured or otherwise unable to command the canine, another canine handler, if available, shall be contacted for assistance. The on-scene supervisor is responsible for securing the canine and ensuring proper aid is provided to the handler. Canine handlers are responsible for ensuring a plan is in place for appropriately securing the canine, should the need arise.

3-20-10 BUILDING SEARCHES FOR SUSPECTS IN HIDING

When properly trained and authorized, agencies may use canines for locating suspects in buildings or related structures where search by officers would create an unnecessary risk. These searches shall be governed by the following:

1. The building perimeter shall be secured by patrol personnel.
2. If possible the building's owner should be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout.
3. When a canine building search is anticipated, a preliminary search by officers should not be conducted as this will interfere with the canine's capability.



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4. The on-scene supervisor shall take the following steps in preparation for the canine search:
 - a. Evacuate the tenants, workers or others from the building.
 - b. Request that all air conditioning, heating, or other air-blowing systems be shut off so as not to interfere with the canine's scent abilities.
5. Upon entrance, all exits will be secured, and radio communications limited.
6. It will be the handler's discretion for the canine to be unleashed or leashed, unless there is a risk of injury to innocent persons in the facility. If a risk is identified, the canine will be leashed.
7. Canines should not be used to search buildings that contain substances potentially harmful to the canine, unless an overriding risk to human life is present.
8. Before commencing a search the handler shall loudly announce and repeat three times, **"POLICE DOG, COME OUT WITH YOUR HANDS UP, OR THE POLICE DOG WILL BE RELEASED!"** A reasonable amount of time shall be allowed for the suspect to respond. The warning must be documented. In a large building/area, multiple warnings must be made while progressing through the search to ensure the warning was heard. If made, these additional warnings must be documented. The handler is not required to give a warning if such announcement may endanger the safety of the canine or officers.
9. When apprehending suspects in these or related circumstances, canines shall be commanded to disengage as soon as the suspect is subdued or readily complies with the officer's commands.
10. Arrestees shall not be transported in the same vehicle as the canine unless alternative transportation is not available and the canine unit can provide for complete separation of the arrestee and canine. Transportation of prisoners shall be in accordance with section 2-04 of the Law Enforcement Handbook.

3-20-11 FIELD/ARTICLES SEARCHES

- A. The area should be secured to the extent possible and no one shall be allowed to enter. The handler will advise police personnel when the canine is being deployed.
- B. The handler will determine the method, direction, and whether the police canine will be on or off lead, while conducting the search.

3-20-12 DRUG/NARCOTICS DETECTION

- A. The District Canine Coordinator shall maintain records that document the use and the proficiency of individual canines in drug detection. This documentation shall be readily available to canine officers and others who may need it when seeking warrants.



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- B. Use of police canines in a drug detection capacity is authorized in the following situations and under the following conditions:
1. The sniffing of an individual person is prohibited.
 2. Random exploratory sniffing of luggage, packages, or other inanimate objects may be conducted in public facilities such as airports, train stations, bus, or marine terminals, as authorized by the Chief of Police or other authorized supervisor.
 - a. Exploratory sniffs in these facilities shall be confined solely to those areas open to the general public and, whenever possible, with advance knowledge and consent of the appropriate facility manager.
 - b. Exploratory sniffs shall be conducted without interference or annoyance to the public or interruption of facility operations.
 3. Canine sniffs conducted in areas restricted to the public, such as baggage staging areas, are considered searches, and may be conducted only with reasonable suspicion or probable cause to believe that specific items contain illegally controlled substances.
 4. Police officers may detain specific luggage related items for purposes of requesting a canine sniff if reasonable suspicion exists but may not detain the items so long as to interfere with the owner's scheduled travel.
 5. When a drug detection canine alerts to luggage or related items, in this or other circumstances, a warrant or consent to search must be obtained before it is opened unless exigent circumstances exist to conduct an immediate on-site search.
 6. A random sniff of parcels and mail without detaining the item is not a search. An officer may seize and detain a parcel or mail for a canine sniff only if reasonable suspicion exists. Upon a positive alert, an officer may seize the package based upon the positive canine alert and exigent circumstances (loss of evidence) and obtain a search warrant, based upon the probable cause of the canine alert, in order to search the package.
 7. Sniffs of exteriors of residences-either individual dwellings or the common areas of multiple unit dwellings- are not permitted without a search warrant.
 8. Drug-sniffing canines may be used to sniff motor vehicles when:
 - a. Reasonable suspicion exists to believe the operator or passengers may be in possession of illegal drugs/narcotics; or
 - b. During a valid vehicle stop, the canine may be used to sniff the vehicle's exterior in an exploratory manner. Unless the canine alerts, the operator may not be detained any longer than necessary to conclude the business associated with the initial stop.

3-20-13 TRACKING

- A. Police canines are available to police officers to track missing persons or to locate evidence that the officer has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:



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- B. When officers are pursuing suspects and contact with the suspect is lost, the officer prior to summoning a canine team shall:
 - 1. Stop and pinpoint the location where the suspect was last seen.
 - 2. Shut off engines of vehicles in the area if possible, and
 - 3. Avoid vehicle or foot movement in the area where the suspect or subject was last seen.
- C. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.
- D. A Canine team should not be used to locate small children unless there is reasonable suspicion of foul play or belief that serious bodily harm or death will occur if the child is not located immediately. Where the use of a canine is deemed necessary, the risk of attack to the subject shall be explained to the parents or next of kin and their approval obtained to use the dog.
- E. Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcoholic beverages if no other crime is involved, nor the mentally disturbed if no crime is involved.
- F. The on-scene supervisory personnel shall:
 - 1. Secure a perimeter of the area to be searched.
 - 2. Secure the integrity of the area to be searched by keeping all persons out.
 - 3. Protect all items of clothing or evidence used for scent tracking, from being handled by other personnel.

3-20-14 SCHOOL SEARCHES

The use of a drug sniffing dog in Public/BIA/Tribal schools is permitted only when, the school's superintendent/principal requests or approves the use of canines and agrees to a school search policy.

3-20-15 CORRECTION FACILITY SEARCHES

- A. A Memorandum of Understanding will be established, prior to using a police canine.
- B. No individual or body searches will be conducted by a police canine.
- C. Once a controlled substance or drug is found, standard Law Enforcement policy will be adhered to.



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3-20-16 OTHER PUBLIC FACILITIES OR BUILDINGS WHERE SEARCHES ARE REQUESTED

- A. Any requests to search shall be accompanied by a “Permission to Search” form to be filled out by the requesting party or a Supervisor and be kept on file by the Law Enforcement agency.
- B. Exploratory sniffing in these facilities shall be confined solely to those areas open to the general public and, whenever possible, with advance knowledge and consent for the appropriate facility manager.

3-20-17 REQUEST FOR CANINE TEAMS BY OUTSIDE POLICE AGENCIES

- A. All requests for the use of a Canine Team from an outside police agency will be directed to either the Chief of Police or on duty Supervisor. A Memorandum of Understanding, Special Deputation/or Special Authority must be established prior to providing assistance.
- B. A Canine Team may be requested for the following incidents:
 - 1. A child or elderly person is lost or foul play is suspected.
 - 2. A child is lost in an area where their life may be endangered.
 - 3. Searching a disaster scene for victims.
 - 4. Providing police service for field, ground, or building searches.
 - 5. Providing drugs/narcotics exploratory exterior searches only.
 - 6. Public relation appearance and demonstrations.
- C. If the request is granted, a back-up officer from the BIA-OJS may assist if available, or a back-up officer should be requested from the outside agency.
- D. In every case, the OJS canine handler has the ultimate authority on how and when the canine will be deployed. The OJS canine handler will always maintain direct control of the canine.
- E. Every effort should be made to accommodate requests from outside agencies. However, this decision will be at the discretion of the on-duty supervisor.
- F. If the on-duty supervisor or his/her designee denies a request from an outside Agency, he/she will direct an interdepartmental memorandum to the Chief of Police stating the circumstances and reasons for denial.



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3-20-18 CANINE BITES AND INJURIES

- A. Use of specially trained police canines for law enforcement responsibilities constitutes a real or implied use of force. Officers may only use the degree of force that reasonably appears necessary to apprehend or secure a suspect as governed by the OJS use of force policy. In all instances where a canine is deployed in a tactical situation, a canine incident report shall be submitted. Whenever a canine bites an individual, whether or not in the line of duty, the handler shall:
1. Call off the canine when the canine can be safely removed, taking into consideration the safety of the handler, other officers, and any person at the scene and whether the suspect has been controlled.
 2. Summon a supervisory police officer to the scene.
 3. Immediately obtain medical treatment for the perceived or actual bite or injury,
 4. The handler shall document all reported injuries including color photographs of the injuries at the time of the incident or as soon as possible thereafter.
 5. The canine involved in the bite should be removed from the scene as soon as practical. If possible, the canine handler involved in the deployment should not be the investigating officer for the bite investigation.
 6. The investigating officer should take 35MM/Digital color photographs (in addition to those taken by the handler at the time of the incident) of the affected area, if possible, prior to and following medical treatment, but prior to the application of bandages, and obtain a medical release of information. Photographs will be maintained as evidence. The investigative report, handler report, and evidence shall be handled as detailed in the LE Handbook.
 7. The investigating officer shall document the attending physician's identification information, as well as ask for a diagnosis and prognosis of the sustained injuries. The information should be included in the investigative report.
 8. The handler shall complete a *Use of Force Report* whenever it has been alleged that a canine has bitten or otherwise injured an individual as required by section 2-01 "Use of Force" in the LE Handbook. The report must detail the circumstances surrounding the incident, the identity of the individual involved and any witnesses, the extent of the injuries if known, and measures taken in response to the incident. The original report shall be filed in accordance with the OJS use of force policy.
 9. Canine deployments that result in a bite or an accidental bite resulting in serious bodily injury shall be reported to the Interior Operations Center in accordance with the Serious Incident Reporting Policy (446 DM 17).
 10. In the event of an accidental (unintentional) canine bite, the on-scene supervisor will advise the Chief of Police who will subsequently advise the agency legal advisor.
 11. The canine must be examined by a veterinarian as soon as possible following the incident.
 12. It may be necessary to take the canine out of service, pending an approved return to service veterinarian's report.



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- B. Handlers are responsible for obtaining or insuring that post bite interviews are documented on video or minimally audio tape. Statements of suspects, witnesses, and non-witnesses should be obtained immediately after a bite incident to prevent false accusations or statements in a potential lawsuit.

3-20-19 CANINE CARE AND NON LAW ENFORCMENT USAGE

- A. Police canines shall not be used for breeding, participating in shows, exhibitions or other non-Law Enforcement demonstrations. Any law enforcement demonstrations must be approved by the agency Chief of Police.
- B. Canine handlers will provide daily care, maintenance, and feeding of canine to include:
 - 1. Housing, providing security for the canine and appropriate safety such as shade, water, as well as heat and air conditioning if required.
 - 2. Maintenance, cleaning of kennel and yard area, where canine is housed.
 - 3. Feeding of food, water, and general diet maintenance as prescribed by a vet.
 - 4. Grooming on a daily basis, or more often as required by weather, working conditions or other factors.
 - 5. Daily exercise (police canines are not permitted to run at large in public areas.)
 - 6. Maintaining a clean patrol unit and canine vehicle insert.
- C. When the handler is unable to perform these and related duties due to illness, injury, or leave status.
 - 1. Another canine handler may be assigned to temporary care for the dog; or
 - 2. The canine may be housed in an agency approved kennel when the handler is unavailable.
- D. Teasing, agitating, or roughhousing with a police canine is strictly prohibited unless performed as part of a training exercise.
- E. Handlers shall not permit anyone to pet or hug their canine without their prior permission. Should a civilian express a desire to do so, he/she should be informed that police canines are serious working dogs and that they can be dangerous if improperly approached.

3-20-20 VETERINARY CARE OF CANINES

- A. Upon graduation or completion of an approved canine school the handler shall schedule a complete medical examination for the canine to include; hip and shoulder x-rays and eye examination and vaccinations.
- B. Handlers will only have their police canines examined or treated by a veterinarian approved by their canine Coordinator.



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- C. All medical arrangements will be made by the handler and veterinarian, with notification to the Chief of Police.
- D. In the event of a medical emergency involving the canine, the closest veterinarian services may be utilized without prior approval. The canine handler will notify his/her Supervisor. The handler's supervisor will notify the Chief of Police and the DCC as soon after the medical exam as possible.
- E. All canine vaccinations and annual physical examinations shall be completed annually. The NCC and DCC are responsible for ensuring these activities are completed on an annual basis.

3-20-21 KENNELING

- A. The handler will submit all requests for kenneling to the Chief of Police or designee for approval. Police canines will be kept only in agency approved kennels.
- B. If a police canine is ill, the agency veterinarian will determine if the canine should work. This determination should be made as soon as possible prior to start of duty. The handler will notify a supervisor anytime the police canine cannot be used due to illness. The handler will report for duty. Handler discretion is advisable for minor illness/injuries to avoid unnecessary stress on a canine.
- C. If a handler is on vacation or going out of town for a period to exceed 24 hours, and no family member is available to properly care for the police canine, an agency approved kennel will be used. When a handler will be away for a period exceeding 72 hours, the canine will be placed in the approved kennel.
- D. When a canine handler is placed on suspension as the result of an adverse action, his/her canine will be placed in an approved kennel immediately. The District Canine Coordinator will be responsible for determining the status of the canine.
- E. A police canine is the property of the US Government and will not accompany a handler on vacation or any other non official duty function.

3-20-22 CANINE HANDLER INJURED OR INCAPACITATED

- A. In the event that a handler is injured, incapacitated, or otherwise unable to properly control the police canine and it becomes necessary to remove the police canine from the scene, the on-duty supervisor will be immediately notified. If available, another canine handler will be summoned to the scene.
- B. The on-duty supervisor may call on other jurisdictional dog handlers to assist. If the handler is down and being guarded by the canine, under no circumstances should personnel approach the canine handler. Other canine handlers should be contacted, advised of the situation and be utilized to control the canine.
- C. The safety of the handler, other officers, and the public is the prime consideration in determining the method and timeliness of removing the police canine.



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- D. Any attempt to remove a police canine which may result in the animal being harmed or destroyed is prohibited unless human life is in jeopardy. An Animal Control Officer should be notified to respond with tranquilizers.

3-20-23 CANINE HANDLERS UNIFORMS/EQUIPMENT

REFER TO 1-21-01 D. IN LE HANDBOOK

3-20-24 CANINE VEHICLES/PATROL UNITS

- A. Canine vehicles assigned to canine handlers will be used for transporting the canine, responding to calls for service, training, or any other assignments as determined by the canine handler's supervisor.
- B. Canine vehicles will be conspicuously marked and equipped with:
1. Emergency lighting front and rear.
 2. Siren and public address system.
 3. Tinted windows (for canine safety by reducing inside vehicle temperature)
 4. Approved kennel system or kennel insert.
 5. Temperature monitoring system that includes safety devices to prevent the overheating and possible injury/death of the canine.
 6. A "bail out" system which allows the handler to, by remote control, release the canine from the vehicle. This system will be optional for SUV's.
 7. Canine first aid and over dose kits.
- C. Canine vehicles will be operated only by assigned canine handler unless approved by the canine handler's supervisor.
- D. The vehicle will be clearly marked with four inch, reflective blue over gold letters on the side windows: "CAUTION, POLICE DOG, KEEP AWAY", the rear lower door panel will be marked "POLICE CANINE UNIT", the lettering will match color of current BIA Police striping on rear of vehicle. This applies to vehicles acquired for canine use following the implementation of this policy. Vehicles currently in use having markings such as "K-9" will not be required to be remarked until a new vehicle is acquired.
- E. Police Canine Units will not transport other animals, due to possible disease infections.
- F. Units will be in good working order, and cleaned and disinfected. All other DOI-BIA-OJS regulations pertaining to the proper use and maintenance of vehicles shall apply.

3-20-25 DUTY TRAVEL WITH CANINE VIA PATROL UNIT

- A. When Canine Teams are called to assist or train at another location and must stay in lodging or other public place, police Canines will be soft or hard muzzled to prevent any incidental contacts with the public.



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- B. Canine handlers will also utilize a portable kennel to ensure the overall integrity of the host lodging room. The handler will call ahead to notify the lodging establishment of the presence of a Police Canine Unit to ensure that the Team can stay.
- C. Canine handlers will contact any local veterinary clinics in the area, for any and all emergencies that may be required. If an emergency happens and the police canine must be treated, all supervisors will be notified immediately.
- D. Handlers must have current medical/shot records for the canine in their immediate possession.

3-20-26 DUTY TRAVEL VIA AIRLINE

- A. Travel by air with a police canine is highly discouraged and should only be considered when time and the need for emergency response is critical.
- B. Canine handlers will utilize a hard portable locking Airline Approved kennel to ensure overall safety of canine and the public.
- C. Canine handlers must have current medical/shot records for the canine in their immediate possession.

3-20-27 MANAGEMENT OF TRAINING AIDS

All District canine teams will obtain a DEA controlled substance registration number and training aids as well as state training aids for canine team training.

1. All drug training aids will be stored in locked safes approved for storage of narcotics/controlled substances. Each safe shall be secured in the agency evidence room behind a locked door and attached securely to the building. Only canine handlers shall have the combination or key to the safe(s). NOTE: This is the only authorized exception to storing anything other than evidence in an evidence room.
2. A training aid log will be maintained to document the type and quantity of each training aid stored in the training aid safe. The location and quantity of all training aids will be known at all times. The training aid log will be secured in the training safe.
3. While training aides are checked out, the possession and security of the training aids will be the sole responsibility of the handler.
4. Any training aid lost or damaged during training will be reported immediately. The report shall be in written form to the canine Coordinator and Chief of Police.
5. Any training aid lost or damaged due to suspected criminal activity shall be reported immediately. The report shall be in the form of an incident report. The location of the incident shall be treated as a crime scene and reported to the canine Coordinator and Chief of Police.
6. Should DEA storage guidelines change or differ from those guidelines listed above, in every case DEA guidelines will be followed without exception.



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3-20-28 RETIREMENT/TRANSFER OF HANDLER OR RETIREMENT OF CANINE

- A. If it is determined that a canine is no longer needed for official purposes, is not fit for duty or is to be medically retired, the canine handler may request that the dog be released to him/her, or, when appropriate, to another individual who has experience handling canines.
- B. If a canine handler requests a transfer, is re-assigned, promoted, or retires, the following action will be taken:
 - 1. The District Canine Coordinator shall evaluate if the canine can be given to another handler and continue to be effective.
 - 2. If it is determined that the canine can be reassigned to another handler than it shall be done.
 - 3. If it is determined that the canine cannot be reassigned to another handler then the current handler may apply to have the canine released to him/her as if it were being retired.
 - 4. Should the handler be promoted, request a transfer or retirement after being in service with a canine for a period of three years or more, then the handler may retain possession of the canine and the canine shall be treated as if it were being retired.
- C. Canine service records will be retained by the agency for a minimum of three years following re-assignment or retirement of the canine for court purposes.

3-20-29 AT HOME/OFF-DUTY CARE:

During each calendar day a handler performs the duties in this paragraph he/she will be compensated at the rate of one hour of overtime under the Fair Labor Standards Act for the at home and off duty care of a police canine. This includes grooming, feeding, bathing, and exercise of the canine. This averages one hour per day, per seven days/week.

3-20-30 FEDERAL LAW ENFORCEMENT ANIMAL PROTECTION ACT OF 2000

- A. Under the Federal Law Enforcement Animal Protection Act of 2000, individuals willfully and maliciously harming police canines are subject to fines and/or imprisonment. To comply with this law, all BIA-OJS police canines will be properly credentialed in a manner that will ensure the animals are covered under the law.
- B. All injuries, illnesses, and the death of a canine will be thoroughly investigated by the canine handler and the District Canine Coordinator. In any case where it is determined an injury, illness, or death was caused by malicious intent, the offender will be prosecuted accordingly.



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3-20-31 REPORTING REQUIREMENTS

A. Canine handlers and police agencies having a Canine team(s) may use a computerized Reporting System, if available. The following list of reports/logs will be completed as indicated below. The forms can be found in the OJS Forms manual.

Form Name	Form #	Frequency
1. Canine Team Daily Field Activity Log	2-07-A	Daily (same as officer)
2. Daily Care and Maintenance Log	3-20-B	Daily, submit weekly
3. Deployment/seizure Report	3-20-C	When deployment occurs
4. Canine Bite Incident Report	3-20-E	When bite occurs
5. Monthly Certification & Training Log	3-20-F	Monthly
6. Detection Canine Training Record	3-20-G	As needed
7. Canine Medical Log	3-20-H	As needed
8. Canine Profile Report	3-20-I	As needed
9. Canine School Search & Training Program	3-20-J	As needed
10. Canine Training Aid Log	3-20-K	When training aids are used

B. All documentation including certifications, training and deployment records, utilization statistics, incidents of misbehavior and corrective action taken, etc. will be submitted to the Canine Handler's immediate supervisor for review and approval. These documents will be kept at the handler's police agency and will be maintained for the service life of the canine plus three years.

C. Canine Serious Incident Reports will be in compliance with the requirements outlined in DOI Manual 446 DM 17, "Serious Incident Reporting".



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3-25 ARCHAEOLOGICAL AND ANTIQUITIES PROTECTION

POLICY

OJS is committed to protecting Archaeological Resources and Antiquities.

RULES AND PROCEDURES

3-25-01 GENERAL INFORMATION

A. Applicable Federal Law.

Title 16 of the US Federal Code, Chapter 1B, prohibits the unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources. Other applicable laws are the Indian Arts and Crafts Act of 1990 (P.L. 101-644) and the Tribal Law and Order Act of 2010 (P.L. 111-211).

B. Identification of Covered Locations.

The District Special Agent in Charge will identify areas within the district that come under the protection of this code and ensure officers are aware of these locations.

C. Training Requirements.

The Special Agent in Charge will ensure that officers receive training on the portions of Title 16 dealing with archaeological resource protection.

D. Enforcement Responsibility.

Law enforcement officers are responsible for enforcing violations of Title 16 and other related Tribal codes or laws as they relate to archaeological resources.

E. Identification of Local Resources.

The Special Agent in Charge will identify and maintain a list of local resources that can be used to assist officers investigating these cases.



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3-26 638 CONTRACT MONITORING GUIDELINES

POLICY

The Office of Justice Services will conduct Program Reviews of 638 Contract tribal police agencies in a timely manner and provide the results to the tribal council and police officials.

DEFINITIONS:

638 Contract – An agreement (referred to as the “Contract”) between a tribal government or tribal organization (referred to as the “Contractor”) and the Federal Government. The Contract is pursuant to Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. Seq.). In general, the Contract transfers the funding, functions, services, activities, programs, and administrative functions from the Federal Government to the Contractor. For the purposes of this directive, it is these items as they pertain to Law Enforcement Services.

Program Review – 638 Contracts are term agreements. Once per contract period, the Contractor is subject to an inspection by the Contract Management Team (this inspection is referred to as a “Program Review”). During this review, and during any follow up inspections, the Contract Management Team determines whether the Contractor is acting in accordance with the guidelines of the Contract itself.

Awarding Official – This person represents the Bureau in the performance and administration of any given Contract. This person is sole individual with the authority to bind the Bureau in the administration of a contract. This person may however appoint AOTRs and SAOTRs (See below) to assist in the administration of a contract.

AOTR – The Awarding Official’s Technical Representative is the lead Law Enforcement Official of the Contract Management Team. As a member of the Contract Management Team, this person is responsible for being familiar with the Contract and Contractor, and is the main subject matter expert pertaining to Law Enforcement Services. The AOTR reports Law Enforcement Services findings to the Awarding Official.

SAOTR –The Subordinate Awarding Official’s Technical Representative is a Law Enforcement Official who is also a member of the Contract Management Team. This person, while appointed by the Awarding Official, reports directly to the AOTR, and may be delegated by the AORT any function(s) related to conducting a Program Review.

RULES AND REGULATIONS

3-26-01 PROGRAM REVIEW PLAN

- A. Each District that reviews 638 contracts should develop a schedule for conducting Program Reviews. This schedule can be based on the results of previous Program Reviews, if there have been any.



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B. After selecting a Tribal Program for review, initiate the following:

1. Contact the Awarding Official, and obtain a copy of the selected Tribe's 638 Contract. If there is not a file folder pertaining to the tribe on file, create one.
2. Check District Staff schedule; be prepared to look outside of the District for available personnel.
3. Set tentative Program Review dates for the selected tribe.

3-26-02 CONTACT TRIBAL OFFICIALS

Preferably call these individuals in person; however other forms of communication and through their subordinates may be acceptable depending on the circumstances. This communication needs to be completed 30 – 90 days before the tentative Program Review dates.

1. Call the lead tribal police official and explain the Program Review process. Ensure the tentative Program Review dates work with the tribal agency schedule.
2. Call the lead tribal official (i.e. President, Chairman, etc.), and explain the Program Review process. Ensure the tentative dates work with the tribal council's schedule. Establish an entrance interview time for a meeting between the council and the Bureau of Indian Affairs, District Program Review Team (BIA Team). This interview is usually at the very beginning of the Program Review process.
3. Send an email to the lead tribal police official, which verifies the purpose of the Program Review, includes a synopsis of the telephone conversations with the tribal officials, and re-affirms the now set Program Review dates. A template for this email correspondence is titled "Blank Confirmation Email" (Attachment E). Include the following documents attached to the email:
 - a. A copy of "Agency Self Audit Workbook01-14-11-01 RF" (Attachment A), and hereafter referred to as the Workbook.
 - b. A copy of "UNIFORM CHECKLIST" (Attachment B)
 - c. A copy of "VEHICLE CHECKLIST" (Attachment C)
 - d. A copy of "PERSONNEL FILE CHECKLIST" (Attachment D).
 - e. A copy of the tribe's 638 contract (See "3-26-01-B." in this directive).
 - f. A copy of "OJS LE Handbook latest edition"

3-26-03 WRITTEN NOTIFICATION TO THE TRIBE

At 30 days prior to the Program Review dates, send a written notification to the lead tribal official reminding and confirming the tribe of the Program Review.



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- a. Write a letter utilizing the template titled “Blank Notification of Monitoring Visit” (Attachment F) Scan the signed original, and save it to the file folder pertaining to the tribe.
- b. Send the inked original to the lead tribal official. Send a paper courtesy copy to the lead tribal police official.
- c. Send digital copies to both the Awarding Official, and the relevant BIA Agency Superintendent.

3-26-04 FINAL PREPARATIONS, AND TRAVEL TO PROGRAM REVIEW

- A. One week prior to Program Review confirm via phone or email with the lead tribal official, and the lead tribal police official.
- B. Prepare all documentation and equipment necessary for the Program Review, including:
 1. A laptop computer
 2. Both a printed and a digital copy on the laptop of the Workbook
 3. 10 copies of all supplemental inspection documents, i.e. the “UNIFORM CHECKLIST” (Attachment B), “VEHICLE CHECKLIST” (Attachment C), “PERSONNEL CHECKLIST” (Attachment D), hereafter referred to as the Supplemental Forms.
 4. A copy of the tribe’s 638 contract (See “3-26-01-B.” in this directive).
 5. A copy of the written notification to the tribe.
 6. On the laptop, a digital copy of the “OJS LE Handbook latest edition.)
 7. A digital camera
 8. All appropriate office supplies, including but not limited to pens, post-it notes, page markers, folders, etc...
 9. 10 copies of the “Community Interview Form” (Attachment G).
- C. Proceed with the BIA team to the Program Review location.

3-26-05 ENTRANCE INTERVIEW WITH COUNCIL

Conduct an entrance interview with the lead tribal official, the tribal council, the lead tribal police official, and the BIA-OJS team. During this meeting, explain the intent and authority to conduct the Program Review, the process of the Program Review, and both the near and far term likely actions they should expect. Ensure that an exit interview is set up towards the end of the Program Review dates, where the preliminary findings of the Program Review will be discussed with the council. Be prepared to address other tribal concerns outside of the Program Review. Due to this it is recommended that on area study of the particular tribe be conducted prior to the entrance interview.



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3-26-06 PROGRAM REVIEW

In a round table format with the lead police official, their key and necessary staff, and the BIA-OJS team, conduct the Program Review.

1. Go through the entire Workbook, completing both the digital and paper copies simultaneously (Note: this is necessary for two reasons, the first being to create a back-up copy of the Workbook, it must be done later by hand).
2. Complete all Supplemental Forms.
3. Photograph the entire tribal police department; photograph examples of items both in and out of compliance.
4. Complete at least three community interviews with individuals who have professional interaction with the police department, examples being other first responders, social workers etc.

3-26-07 PRELIMINARY RESULTS MEETING WITH THE PD

Score the Workbook, and then go over the preliminary results with the lead police official, and members of their command staff if appropriate. Focus on items that immediately need to be addressed, such as items that relate to health and safety.

3-26-08 EXIT INTERVIEW WITH THE TRIBAL COUNCIL

Go over the preliminary results with the tribal council. Depending on the result and circumstances, it may or may not be appropriate for the lead police official to be present. Ensure that items that immediately need to be addressed are mentioned during the interview. Also, describe possible future steps in the process, including that the council will receive a written report of the Program Review results, and that the BIA-OJS Team will make all efforts to do this within 90 days.

3-26-09 PROGRAM REVIEW REPORT

- A. Prepare the written report as soon as possible. This ensures that items are remembered with the most clarity, and will help ensure that the previously mentioned 90 day timeline is adhered to.
- B. Complete the narrative section of the report. All information from the Supplemental Forms and community interviews is to appear in a redacted format within the narrative. Finally the narrative is to read as a summary and overview of the entire Program Review. Every deficient item need not appear in the narrative. The intended audience for the narrative is the tribal council, who may reference the actual completed Workbook itself for further details.
 1. Have the SAC review and sign the narrative.
 2. Scan and save a digital copy to the file folder pertaining to the tribe.
 3. Send a digital copy to the Awarding Official for his/her review.



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4. If the Awarding Official concurs with the narrative, have him/her create an addendum or memorandum of concurrence detailing this, obtain this and save it with the narrative.
- C. Complete the Workbook, finishing the digital copy, and corroborating it with the hand written copy.
1. Complete the scoring section towards the end of the Workbook.
 2. Complete the Corrective Action Plan (CAP) which is at the end of the Workbook. Every single scored criteria found out of compliance in the Workbook needs to be addressed in the CAP. The dates that the items need to be corrected by are as follows. Critical items need to be corrected, or have significant progress made towards correcting them within 30 days of the complete Program Review report being issued back to the tribe/PD. Important items need to be corrected within 60 days, and Basic items need to be corrected within 90 days.
 3. Print the digital copy, and go through by hand, while corroborating with the original hand written copy, and fill in any scored criteria check boxes.
 4. Have the SAC review and sign the narrative.
 5. Scan and save a digital copy to the file folder pertaining to the tribe.
- D. Create a Cover Page based on the template titled “Blank Cover Page” (Attachment H), Print one copy, and also save the document to the file folder pertaining to the tribe.
- E. Print a Confidential Information sheet (Attachment I), titled as such.

3-26-10 MAKE COPIES AND DISTRIBUTE THE FINAL PROGRAM REVIEW REPORTS

Take all original documents that have been produced thus far. Place them in the order of (1) the Confidential Information sheet, (2) the Cover Page, (3), the narrative, (4) Memorandum of Concurrence from the Awarding Official, if applicable, and (5) the complete Workbook. With the documents in this order, make four copies, have all copies and the signed originals bound. Then mark all as either “Copies” or “Originals”. Finally, retain the original document, and one copy at the District office, and file accordingly. Send one copy to the Awarding Official. Send one copy to the lead tribal official. And send one copy to the lead tribal police official. Please note that every effort must be made to reach this point within 90 days of conducting the exit interview with the tribal council.



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3-26-11 FOLLOW UP ON THE CORRECTIVE ACTION PLAN

In the following days, weeks and months there should be inquiries made on whether the items listed in the CAP have been corrected, and within the required time frames. Having a six month, in person check is the recommended practice; however this timeframe is extremely flexible depending on several factors. These factors include the severity of any out of compliance items, the opinions of the Awarding official and the AOTR, etc. Also, in lieu of an in person check, for some items written or verbal confirmation may suffice. For example, a copy of the enrollment notification for training in Background Investigations for a tribal agency employee may show significant progress towards correcting the out of compliance item of having currently deficient background investigations.

3-26-12 PROGRAM REVIEW DOCUMENTS

1. Agency Self Audit Workbook01-14-11-01 RF(Attachment A).
2. UNIFORM CHECKLIST (Attachment B)
3. VEHICLE CHECKLIST (Attachment C)
4. PERSONNEL FILE CHECKLIST” (Attachment D).
5. The tribe’s 638 contract (See “3-26-01-B.” in this directive).
6. OJS LE Handbook latest edition.

These forms can be found in the OJS LE Forms Manual



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4-03 DEPUTIZATION OF COMMISSIONED OFFICERS

POLICY

The Bureau of Indian Affairs, Office of Justice Services, authorizes the deputizing of its commissioned personnel by State and local law enforcement agencies.

RULES AND PROCEDURES

4-03-01 ACCEPTING SPECIAL COMMISSIONS/CROSS DEPUTIZATION

- A. BIA commissioned employees can accept special commissions as deputy sheriffs or other law enforcement officials, in accordance with appropriate legal authority, when the appointment benefits law enforcement activities.
- B. All special commissions will be documented in writing. If withdrawal of this commission occurs, a written explanation of the reasons for such action will be provided to the affected employee, his/her supervisor, the official who authorized the commission, and the appointing official.
- C. Each commissioned employee who receives a special commission will sign and date a copy of the written agreement to acknowledge the terms of the commission and the scope of authority.
- D. The requirement for a written agreement may be omitted only when there is insufficient time because of a law enforcement emergency. In such cases, commissioned employees may receive appointments not to exceed 60 days or the term set by the appointing authority, whichever is shorter. No temporary appointment may exceed 60 days without a supporting written agreement.
- E. Actions taken by a commissioned employee by virtue of authority vested by another agency will be in accordance with a commission expressly approved by the BIA. Such actions, to the extent authorized by law, are within the employee's scope of employment and under the administrative control of the BIA.
- F. Commissioned employees may not personally receive compensation from any agency other than BIA. Any reimbursement from another agency for services rendered during a mutual aid response, if authorized by law, will be made to BIA.
- G. Whenever a commissioned employee exercises authority vested by another agency, the employee will carry a badge and/or credentials from that agency or otherwise be identified in a manner agreed to by the Special Agent in Charge and the issuing agency, or as provided by law.
- H. Unless otherwise provided for in a written agreement, all commissioned employees who exercise the law enforcement authority vested in them by another agency will follow BIA policies, standards, and guidelines.



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- I. Whenever practical, a commissioned employee will use the law enforcement authority vested by BIA before authority vested by another agency.
- J. A commissioned employee will report all enforcement actions taken by virtue of authority vested by another agency using BIA Incident Reporting System, in addition to any reports required by the authorizing agency.
- K. BIA uniformed officers are required to wear only BIA issued uniforms.



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4-04 SPECIAL LAW ENFORCEMENT COMMISSIONS

POLICY

The Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), issues Special Law Enforcement Commissions (SLECs) to Tribal, Federal, State, and local full-time certified law enforcement officers who will serve without compensation from the Federal government. This process allows the BIA to obtain active assistance in the enforcement of applicable Federal criminal statutes, including Federal hunting and fishing regulations in Indian country.

RULES AND PROCEDURES

4-04-01 AUTHORITY TO ISSUE, RENEW, AND REVOKE DEPUTATION AGREEMENTS AND SPECIAL LAW ENFORCEMENT COMMISSIONS (SLEC's)

- A. Authority to enter into Deputation Agreements and SLECs is based on Title 25, United States Code, Section 2804 (Pub. L. 101-379), 25 C.F.R. Part 12, and the Tribal Law and Order Act of 2010 (Pub.L. 111-211).
- B. Line Authority to Enter into Deputation Agreements and Issue Special Law Enforcement Commissions.
Authority to enter into Deputation Agreements and issue SLECs is delegated in 3 Indian Affairs Manual 2.8 to the Deputy Bureau Director, OJS. The Deputy Bureau Director has delegated to the District Special Agents in Charge (District SACs) the authority to enter into OJS and Solicitor's Office approved Deputation Agreements and the authority to sign SLEC cards granted pursuant to Deputation Agreements.
- C. Issuance of SLECs Exclusively for Legitimate Law Enforcement Need.
SLECs are to be issued or renewed at BIA-OJS discretion and only when legitimate law enforcement need requires issuance. SLECs are not to be issued solely for the furtherance of inter-agency or public relations. Such decisions by the BIA-OJS are non-appealable.

4-04-02 DEPUTATION AGREEMENTS

- A. The District SAC may enter into a Deputation Agreement with Tribal, Federal, State, or other government law enforcement agencies to aid in the enforcement or carrying out of Federal laws in Indian Country. Deputation Agreements with tribal law enforcement agencies require authorizing resolutions from the tribes.
- B. Any Deputation Agreement that differs in any respect from the Model Deputation Agreement must be explicitly approved by the Deputy Bureau Director, OJS and by the Solicitor's Office before it can be executed.



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- C. Before executing a Deputation Agreement, the District SAC shall:
1. Make a written determination that the applicant law enforcement agency has written law enforcement policies and procedures in place that are at least as stringent as those of BIA-OJS.
 2. Obtain the Deputy Bureau Director's concurrence with the decision to issue the Deputation Agreement.
- D. BIA-OJS shall continuously evaluate the effectiveness of the SLECs, in accordance with 25 C.F.R. § 12.21(a).
- E. BIA-OJS may revoke an SLEC, pursuant to 25 C.F.R. § 12.21(a), if BIA-OJS finds that the officer holding the SLEC has misused his or her authority or that the SLEC is not effective in meeting its purpose. BIA-OJS may suspend an SLEC while investigating allegations of the officer's misuse of authority.
- F. The BIA-OJS Central Office East (COE) shall ensure that all signed Deputation Agreements and tribal resolutions are converted to an electronic format and posted to the SLEC Tracking System.

4-04-03 DEPUTATION AGREEMENTS WITH TRIBAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES

- A. Before BIA-OJS enters into a Deputation Agreement with a state or local law enforcement agency to provide law enforcement within a tribe's jurisdiction, BIA-OJS shall have an authorizing resolution from the appropriate tribal government, supporting the Deputation Agreement with the state or local law enforcement agency.
- B. Agreements for one tribe to provide officers within another tribe's jurisdiction, for the purpose of enforcing Federal law, must include authorizing resolutions from both the tribe providing officers and the recipient tribe. If BIA-OJS determines that there is an emergency situation, this requirement may be temporarily waived, at the discretion of BIA-OJS, until the emergency situation is under control.
- C. An SLEC officer acting under the authority granted by a Deputation Agreement, and within the scope of his or her duties, shall be considered an employee of the U.S. Department of the Interior for purposes of:
1. 5 U.S.C. § 3374(c)(2) (coverage under the FTCA)
 2. 18 U.S.C. §§ 111 and 1114 (assault and protection of officers)
 3. 5 U.S.C. §§ 8191- 8193 (compensation for work injuries)



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4-04-04 STANDARDS FOR ISSUANCE OF SLECs

A. Applicants for an SLEC must meet the following minimum requirements:

1. The applicant must be a United States citizen;
2. The applicant must have a high school diploma or equivalent;
3. The applicant must be at least 21 years of age;
4. The applicant must possess a valid driver's license;
5. The applicant must be a full-time certified law enforcement officer of a Federal, State, local or Tribal law enforcement agency. Such certification shall meet the Peace Officer Standards of Training (POST) requirements for any state certification and shall be consistent with standards accepted by the Federal Law Enforcement Training Accreditation (FLETA). SLEC applicants who work for a federal law enforcement agency must provide evidence of Federal certification that shall be consistent with standards accepted by FLETA.
6. The applicant must have passed his or her law enforcement agency's firearms qualification course; must have been certified within six months preceding the issuance of the SLEC; and must continue to be certified every six months within the period immediately preceding the issuance of, and during the term of the SLEC. Verification of firearms qualification shall be submitted every six months to the District SAC and shall be maintained with the District's SLEC records. Failure to qualify will result in suspension of the SLEC.
7. The applicant must never have been convicted of a felony offense;
8. The applicant must not have been convicted of a misdemeanor offense within the one-year period preceding the issuance of the SLEC, with the exception of minor traffic offenses, excluding misdemeanor DUI/DWI convictions;
9. The applicant must never have been convicted of a misdemeanor crime involving moral turpitude (including any convictions expunged from the applicant's record);
10. The applicant must never have been convicted of a misdemeanor crime of domestic abuse that prevents the applicant from possessing a firearm or ammunition pursuant to Section 658 of Public Law 104-208 (the 1996 amendment to the Gun Control Act of 1968), 18 U.S.C. § 922(g)(9);
11. The applicant must sign a "Domestic Violence Waiver" certifying that the applicant has never been convicted of a domestic violence offense, including convictions in a Tribal court;
12. The applicant must have successfully passed the Criminal Jurisdiction in Indian Country (CJIC) examination with a score of 70 % or higher;
13. If the applicant is a graduate of the Indian Police Academy's Basic Police Officer Training Program, the applicant is considered to have met the mandated training requirements, so long as the SLEC application is made within three years of the applicant's graduation; and
14. Pursuant to 25 U.S.C. § 3207(b), an applicant seeking an SLEC must not have been found guilty of, or entered a plea of *nolo contendere* or its equivalent (such as an Alford plea), to any felonious offense, or any two or more misdemeanor offenses, under Federal, State, or Tribal law involving crimes of violence, sexual assault, molestation, exploitation, prostitution, crimes against persons, or offenses committed against children.



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- B. SLECs do not authorize access to "classified" information.
- C. Required Information on Commission Cards. Each commission card will display the following identifying data:
 - 1. Name and recent photograph of the SLEC holder;
 - 2. Date of issuance, date of expiration, title or position of SLEC holder, the SLEC holder's agency/department, and control number;
 - 3. Signature of the authorizing official;
 - 4. Signature of the SLEC holder.

4-04-05 MAINTENANCE OF COMMISSION RECORDS

- A. The District SAC shall keep a record of all outstanding SLECs, which is subject to review. The record will include, but is not limited to, the name and department of each SLEC holder, the date of issuance of the SLEC, and a copy of the signed Deputation Agreement.
- B. Each District SAC shall be responsible for ensuring that all SLECs issued or revoked in the District are recorded in the SLEC Tracking System.
- C. Orientation Includes Authority of Commission.
The Indian Police Academy (IPA) shall sponsor or host regional training sessions in Indian Country, not less frequently than every six months, to educate and certify candidates for the SLEC. These training sessions will provide a minimum course of instruction, focusing particularly on Federal jurisdiction, Federal law, and the authority that the SLEC confers. This course must be successfully completed before the District SAC issues the SLEC.
- D. Federal Liability for SLEC Holders.
The SLEC grants the holder specific Federal authority and responsibility, and, as a result, places a high level of liability risk on the U.S. Government. To reduce liability risks for the Government, the District SAC is responsible for ensuring that all requirements are satisfied before issuing the SLEC.

4-04-06 SLEC APPLICATIONS

- A. After a Deputation Agreement has been executed, SLEC applicants shall submit their completed Application for SLECs (Application) to the District SAC.
- B. The completed application shall include:
 - 1. A Domestic Violence Waiver signed by the applicant;
 - 2. Verification of training at a state POST academy or IPA;
 - 3. Current firearms qualifications (at least 80%);
 - 4. Certification from the Indian Police Academy that the applicant passed the Criminal jurisdiction in Indian Country course examination with a score of 70% or higher;



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5. Written acknowledgement that the applicant has reviewed and agrees to comply with the BIA-OJS' Code of Conduct.
6. A Standard Form SF-87 fingerprint chart;
7. An official high school diploma or GED certificate.

4-04-07 RENEWAL-REVOCATION-SUSPENSION OF SLECs

- A. SLECs expire five years from the date of issuance.
- B. An SLEC holder shall apply for renewal of the SLEC 90 days before the SLEC expires.
- C. The District SAC shall certify in writing that a continuing need exists for commissioning officers of the renewal applicant's employing agency.
- D. The renewal applicant shall submit a Renewal Application, which shall consist of the following:
 1. An up-to-date Application;
 2. A letter of verification from the chief law enforcement officer of the renewal applicant's employing agency that an updated background investigation was completed and adjudicated within one year of the Renewal Application;
 3. Evidence from the Indian Police Academy that the renewal applicant passed the Criminal Jurisdiction in Indian country Update online examination, with a score of 70% or higher, within six months before submitting the Renewal Application.
- E. SLECs may be revoked for cause. Cause for revocation includes, but is not limited to, the following:
 1. Resignation/termination from law enforcement;
 2. Providing false information on an SLEC application;
 3. A sustained allegation of serious misconduct;
 4. Giglio-Henthorne issues affecting the officer's ability to perform duties;
 5. Sustained allegations of misuse of SLEC authority as described in 25 C.F.R. §12.21(a); or
 6. Termination of the Deputation Agreement.
- F. SLECs may be suspended for cause. The chief law enforcement officer of the law enforcement agency employing the SLEC holder shall ensure that the SLEC is confiscated and held until a determination is made regarding the cause for suspension. If applicable, the chief law enforcement officer shall notify the District SAC of a decision regarding the suspended SLEC. Cause for suspension includes, but is not limited to, the following:
 1. An active criminal investigation involving the SLEC holder;
 2. An active internal affairs investigation involving the SLEC holder.
 3. An active investigation of misuse of SLEC authority.



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4-04-08 CLEARANCE AND ISSUANCE OF SLECs

- A. The District SAC shall verify that a thorough background investigation has been conducted on the applicant as described in 25 C.F.R. § 12.32. If a thorough background investigation has not been completed and adjudicated, the applicant shall not be issued the SLEC. The SAC will ensure provisions set forth in 446 DM 2 are met.
- B. A thorough background investigation shall consist of the following:
1. Verification that the applicant is a U.S. citizen;
 2. Verification that the applicant is at least 21 years of age;
 3. Verification that the applicant has a high school diploma or GED;
 4. A criminal history check of tribal, municipal, county, state and federal records where the applicant has resided for the past ten years, to include any misdemeanor or felony offense;
 5. A credit history check for the past seven years;
 6. Interviews with listed and developed references, including previous employers for the last seven years;
 7. A driver's license check;
 8. A fingerprint card cleared through the Federal Bureau of Investigation to determine criminal record; and
 9. Written identification of any disqualifying factors, which include:
 - a. misconduct or negligence in prior employment which would have a bearing on effective service or interfere with or prevent effective performance;
 - b. criminal or dishonest conduct related to the duties to be assigned;
 - c. intentional false statement or deception or fraud in examination or appointment;
 - d. alcohol abuse of a nature and duration which suggests the applicant would be prevented from performing the duties of the position in question or would constitute a direct threat to the property or safety of others;
 - e. illegal use of narcotics, drugs, or other controlled substances;
 - f. knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force; or
 - g. Any statutory bar which prevents the lawful employment of the person involved in the position in question.
- C. Applicants who are employed by a law enforcement agency that requires, as a pre-employment condition, that they be fingerprinted and undergo a background investigation no less stringent than that required of a BIA-OJS officer may provide documentation of such background clearance. The employing chief law enforcement officer shall attest and certify in writing, on department letterhead, that the applicant has met all requirements for the SLEC, including a full background investigation that has been adjudicated by trained and qualified security professionals, and a letter from the FBI stating no criminal history was found. All background investigations must be documented and available for inspection by the BIA.



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- D. The application form must be fully completed and attested to by the chief law enforcement officer of the enforcement agency for which the applicant is a full-time commissioned officer.
- E. The District SAC shall issue an SLEC within 60 days after determining that all requirements are met.

4-04-09 RETURN OF SLECs

The chief law enforcement officer of the applicant's employing agency shall agree, in writing, to assume responsibility for returning the SLEC card to the District SAC when one of the following conditions occurs:

1. The SLEC has expired.
2. The SLEC holder terminates employment as a full-time peace officer for any reason.
3. The SLEC holder is transferred to another area of jurisdiction.
4. The SLEC holder is suspended by the employing agency for any reason.
5. The SLEC holder is under indictment or has been charged with a serious crime or any other disqualifying factor as specified in the Deputation Agreement.
6. The SLEC is revoked by BIA-OJS for cause.
7. The tribe having jurisdiction has adopted a resolution objecting to the use of SLEC personnel of a non-Federal agency within the tribe's jurisdiction.

4-04-10 SLEC TRACKING SYSTEM

The District SAC or designee shall, immediately upon receiving an Application, enter the following data into the SLEC Tracking System:

1. Applicant's Last Name
2. Applicant's First Name
3. Applicant's Date of Birth
4. Applicant's Middle Initial (If applicable)
5. Date SLEC issued to applicant
6. SLEC Control Number
7. Applicant's Agency/Department
8. Applicant's Social Security Number
9. Comments (Optional)
10. Commission Status
 - a. Undetermined
 - b. Commissioned
 - c. Denied
 - d. Suspended
 - e. Revoked
 - f. Expired



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11. Reason for Commission Status

If the applicant's SLEC is expired, suspended, or revoked, a reason or cause must be noted in the comments (e.g., applicant under investigation, resigned, or was terminated).

4-04-11 APPEAL PROCEDURE

Appeals of termination or revocation of a Deputation Agreement or suspension or revocation of an SLEC shall be made within 15 days of termination, revocation, or suspension to the BIA-OJS Associate Director of Operations, whose decision shall be the final agency action under the Administrative Procedure Act, 5 U.S.C. § 551.

4-04-12 DOCUMENTS/FORMS ASSOCIATED WITH THIS DIRECTIVE

Special Law Enforcement Commission Checklist
SLEC Tracking System Database
Model Deputation Agreement
SLEC Application Form
Authorizing Resolution by Tribal Authority
Law Enforcement Agency (employer) CEO Attestations
BIA-OJS Law Enforcement Code of Conduct
BIA-OJS Law Enforcement Code of Ethics
Qualification Inquiry, 18 U.S.C. Section 922 (g)(9)



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5-01 OFFICE OF JUSTICE SERVICES INTERNAL AFFAIRS DIVISION

POLICY

It is the policy of OJS to investigate any complaints against the service immediately, in an impartial and fair manner. Employee misconduct will be addressed and corrected at the earliest possible opportunity.

PURPOSE

ESTABLISHMENT AND PURPOSE OF THE INTERNAL AFFAIRS DIVISION

- A. Department of Interior Executive Order 3178, issued March 16, 1994 established the Internal Affairs Division (IAD) within the Office of Justice Services (OJS). IAD investigates allegations of misconduct against OJS employees to determine their validity.
- B. Applicability
All investigations and disciplinary actions are governed by this procedure, including but not limited to, applicable orders, rules, regulations, Code of Conduct, and appropriate tribal, local, state, and federal laws, rules and regulations.
- C. Purpose
The purpose of IAD is to ensure that the professional standards of OJS are maintained through the internal system whereby objectivity, fairness, and justice are ensured by an impartial investigation and review of the allegations of misconduct against OJS employees. This system provides citizens with an equitable and effective avenue for redress of their legitimate grievances against OJS employees. IAD readily accepts all complaints of misconduct and fairly and objectively investigates these complaints. OJS employees determined to be guilty of misconduct will be appropriately disciplined, and a copy of the disciplinary actions taken will be provided to the IAD. IAD also provides OJS employees due process to identify unfounded and unsubstantiated allegations. IAD also investigates officer involved shootings and in-custody deaths. Input is provided during Boards of Review.

DEFINITIONS

- A. Adverse Action
A removal, suspension of more than 14 days, reduction in grade or pay (not at the employee's request), or furlough of more than 30 days or more.
- B. Class I Criminal Misconduct
Any violation of federal, state, tribal, or local laws that can be addressed through the criminal justice process either as a felony or misdemeanor, including allegations of excessive force is considered criminal misconduct.



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C. Class II Serious Misconduct

Criminal allegations for which prosecution has been declined and any non-criminal allegation which would be in violation of a federal or government-wide, DOI, BIA or law enforcement agency standard of conduct, regulation, or policy, which is considered serious in nature. This includes but is not limited to:

1. Flagrant inattention to duty where potential danger to life or extensive damage to property is affected or substantial revenue is lost.
2. Unauthorized or negligent use, damage, or loss of valuable government property, i.e. vehicles, aircraft, vessels, or other equipment, not including minor traffic accidents.
3. Willful or negligent making of an untruthful statement of any kind in any written or oral report pertaining to an officer's official duties, or making any untruthful statement before any court or to any authorized government official.
4. Improper association with informants.
5. Retaliation/reprisal actions.
6. Sexual offenses.
7. Improper association/relationship with criminal elements.
8. Refusal to furnish testimony or information in an official investigation, inquiry or other official proceeding.
9. Unauthorized disclosure of classified or sensitive material or information.
10. Use or possession of illegal drugs.
11. Egregious safety violations.
12. Security violations, including those relating to controlled or classified information,
13. Prisoner/inmate mistreatment.
14. Evidence mishandling
15. Solicitation/acceptance of bribes or gratuities.
16. Failure to promptly report a bribe offer.
17. Any criminal, infamous, dishonest, immoral or notoriously disgraceful conduct prejudicial to the Government.

D. Class III - Other Misconduct

1. Negligent or careless performance of assigned duties where an inspection, enforcement or other law enforcement agency/detention facility function is substantially and/or negatively impacted.
2. Failure to observe established policies or procedures in the apprehension or detention of suspects or violators.
3. Failure to promptly report one's own arrest to supervisors.
4. Failure to promptly report violation of laws enforced by the law enforcement agency.
5. Failure to promptly report information concerning violations of any laws or serious misconduct by a law enforcement agency/detention facility employee.



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6. Use of law enforcement/detention position or identification, including badge and credentials, to coerce, intimidate or deceive, i.e., abuse of authority.
7. Drinking or being under the influence of alcoholic beverages while on official duty.

E. Class IV - Administrative Misconduct

1. Attendance matters, not involving other forms of misconduct.
2. Negligence or careless performance of assigned duties.
3. Covering up or attempting to conceal defective work.
4. Failure to delay in carrying out orders, work assignments, instructions of supervisors, or insubordination.
5. Interference with other employees in the performance of official duties.
6. Failure to maintain a neat, clean and business-like appearance or to comply with uniform dress standards while on duty.
7. Unauthorized outside employment or business activity.
8. Discourteous or disrespectful conduct toward members of the public, co-workers or supervisors.
9. Failure to honor just financial obligations in a prompt and timely manner.
10. Borrowing/lending substantial sums of money in relation to fellow employees.

F. Dereliction of Duty

Deliberate neglect of duty or obligations.

G. Disciplinary Action

A reprimand or suspension of 14 days or less.

H. Early Intervention System

A system designed to track complaints for purposes of identifying potentially problematic patterns of behavior among Departmental law enforcement/detention personnel. The system is intended to provide supervisors with the information necessary to take preemptive non-disciplinary action to correct performance problems.

I. Misconduct

An act or omission by an employee which serves as the basis for taking corrective action when it is determined that such action will promote the efficiency of the Department consistent with Departmental Manual, 370 DM 752, "Discipline and Adverse Actions" including Any of the following acts or omissions which could normally result in administrative or disciplinary action.

1. The commission of a criminal offense
2. Neglect of Duty
3. Violation of DOI, BIA, OJS or law enforcement agency/detention policies, rules or procedures.
4. Conduct which may tend to reflect unfavorably upon the employee or the law enforcement agency/detention facility.



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J. Preponderance of the Evidence

That degree of information/evidence which a reasonable person, considering the record as a whole, might accept as sufficient information/evidence to support a conclusion that the matter asserted is more likely to be true than not true.

K. Policy or Training Failure

The allegation is true, but employee's action was not inconsistent with policy and/or training and there is an indication of a need for policy review and revision and/or a need for training.

L. Racial Profiling

The practice of relying, to any degree, on race, ethnicity, or national origin in identifying individuals subject to routine investigatory activities, or in determining the scope and substance of law enforcement actions following a routine investigatory activity.

M. Sustained

The investigation revealed sufficient evidence to justify a reasonable conclusion that the accused employee committed the misconduct alleged.

N. Not Sustained

The investigation failed to disclose sufficient information to clearly prove or disprove the allegation.

O. Exonerated:

Investigation revealed the acts occurred but employees actions were justified, lawful or proper.

P. Unfounded

The allegation was false or not factual.

Q. Warning and Assurance to Employee that is requesting they provide information on a "*Voluntary Information Request Form*".

This is a form given to an employee who is the subject of an internal affairs investigation requested to voluntarily provide information prior to being interviewed as a part of the internal affairs investigation.

R. Warning and Assurance to Employee compelled to provide information on a "*Compelled Information Disclosure Form*".

This is a form given to an employee who is the subject of an internal affairs investigation required to provide information prior to being interviewed as a part of an internal affairs investigation.



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RULES AND PROCEDURES

5-01-01 OJS STANDARDS OF CONDUCT

A. All OJS employees are subject to the following:

1. Employee Responsibilities and Conduct for the Department of the Interior (DOI), 43 Code of Federal Regulations 20.735.
2. Employee Responsibilities and Conduct, 44 BIAM, Chapter 735
3. Law Enforcement Code of Conduct, 446 DOI Manual, Chapter 2, Appendix 1,
4. Standards of Ethical Conduct for Employees of the Executive Branch, 5 Code of Federal Regulations, Section 2635.
5. Ethics and Conduct, found in this handbook, the Law Enforcement Code of Conduct, and the Law Enforcement Code of Ethics.
6. Discipline and Adverse Actions, Departmental Manual 370 DM 752
7. Applicable Federal, State, County, Municipal and Tribal Laws.

B. Lack of Criminal Charges Do not Preclude Administrative Actions

The lack of criminal charges against an employee, and/or acquittal on a criminal charge does not prevent the law enforcement agency/detention facility from taking administrative action against an employee.

C. Property belonging to the law enforcement agency/detention facility is subject to inspection where the employer has a reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files, storage lockers and any other relevant government property.

5-01-02 OFF-DUTY MISCONDUCT

Law Enforcement employees are held to a higher standard of conduct than other citizens, including public employees. An employee may not engage in conduct that adversely affects BIA law enforcement. Off duty misconduct, even non-criminal acts, can adversely affect the employee, and/or BIA law enforcement, and could warrant disciplinary action.

5-01-03 INTERNAL AFFAIRS AREAS OF RESPONSIBILITY

A. Special Agents assigned to the IAD will investigate without bias all allegations of misconduct assigned to them. Agents will conduct fair, objective, and impartial investigations without fear of reprisals from supervisors, managers or the subjects of investigation from the affected district. Any acts or threats of reprisal will be immediately reported to the Supervisory Special Agent, IAD (IAD Chief) for appropriate action. IAD acts on behalf of and reports to the Deputy Bureau Director, OJS, as the investigative body with the following areas of responsibility:



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1. Maintain a record of allegations (complaints) of alleged or suspected misconduct against OJS employees as well as self-governance and tribal law enforcement employees.
 2. Investigate the above allegations.
 3. Inform complainants, employees accused, and the employee's supervisors of the results of the investigation.
 4. Maintain the confidentiality of IAD investigations and records.
 5. When a training deficiency is discovered, IAD will notify the employee's supervisor, and if appropriate, the Deputy Bureau Director, OJS, and the Academy Director, Indian Police Academy.
 6. When a policy change or the need for a new policy is noted, IAD will notify the Deputy Bureau Director, OJS.
 7. Production of an annual summary that is made available to the public of the complaints received and investigated by the IAD, and their final dispositions.
- B. Internal Affairs Division is responsible for investigating officer involved shootings and in-custody deaths.
- C. Investigation of Tribal Programs

IAD will investigate allegations of misconduct of 638 contract program officers in accordance with 25 CFR part 12.

1. 25 CFR part 12.53 states - The Deputy Bureau Director, OJS maintains an internal affairs component that investigates all allegations of misconduct by BIA officers, and any officer receiving funding and/or authority from the BIA. All allegations of misconduct must be thoroughly investigated and appropriate actions taken when warranted. Any person having knowledge of officer misconduct must report that information to the officer's supervisor.
2. 25 CFR part 12.12 states:
The regulations in this part are not intended to discourage contracting of Indian country law enforcement programs under the Indian Self-determination and Education Assistance Act (Pub. L. 93-638, as amended, 25 U.S.C. 450). The Assistant Secretary of Indian Affairs will ensure minimum standards are maintained in high risk activities where the Federal government retains liability and the responsibility for settling tort claims that arise from contracted law enforcement programs.
3. It is not fair to law abiding citizens of Indian country to have anything less than professional law enforcement in their community. Indian country law enforcement programs that receive Federal funding and/or commissioning will be subject to periodic inspection or evaluation to provide technical assistance, to ensure compliance with minimum Federal standards, and to identify necessary changes or improvements to BIA policies.



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4. 25 CFR part 12.13 states:

If a program fails to comply with this section, BIA law enforcement commissions may be revoked, law enforcement contracts may be cancelled, and the program may no longer be eligible for tribal shares allocated from the law enforcement budgets.

D. Internal Affairs Division Location and Contact Information:

The IAD may be contacted at 1001 Indian School Rd. NW, Albuquerque, New Mexico 87104 (505)563-3951 or (fax)(505) 563-3089.

5-01-04 AUTHORITY FOR IAD INVESTIGATIONS

- A. Internal or Administrative inquiries are performed under the authority of the Deputy Bureau Director, Office of Justice Services, with the management responsibility assigned to the program administrator or supervisor at the division, branch, section, unit, district, facility, or agency level. The final authority to exonerate, declare unfounded, not sustain, or to sustain any complaint rests solely with the Deputy Bureau Director, Office of Justice Services.
- B. Formal discipline, when appropriate, is proposed by the affected employee's immediate supervisor and approved by the next level supervisor, consistent with the applicable personnel management guidelines.
- C. IAD has the authority to re-investigate a matter believed to be incomplete with the concurrence of the Deputy Bureau Director, OJS.

5-01-05 AGENCY RESPONSIBILITIES IDENTIFIED

- A. Employees will assist persons who wish to make a complaint against a law enforcement employee in a professional manner.
 - 1. Information regarding procedures for the public to register complaints against the organization or its employees will be made available at every District and Agency/Facility office.
 - 2. Information regarding this process will be made readily available to employees and the public and may be disseminated via public websites, informational literature, internal instructional memoranda, annual all-employee training, etc. Information disseminated will include:
 - a. Procedures for filing a complaint.
 - b. An overview of the complaint review process.
 - c. Contact information for the bureau or office IA unit and the OIG.



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- B. When employees who are not supervisors receive a complaint against OJS or any OJS employee, including citizen complaints, the employee will immediately notify his/her supervisor. When the applicable supervisor or commander is not on duty, the complainant should be referred to the appropriate on-duty supervisor, special agent in charge, chief of police. If the complainant refuses such referrals, all available information should be recorded by the receiving personnel and forwarded to the applicable District Supervisor, Special Agent in Charge, Chief of Police who will forward a copy of each complaint to the IAD. If the employee fears reprisal or lack of cooperation from the supervisor, he/she may notify IAD directly.
- C. When District SAC's, Chiefs of Police or supervisors become aware of alleged misconduct by a law enforcement employee he/she will promptly:
1. Document the complaint in an agency complaint log to include but not be limited to the following information:
 - a. Name of the complainant(s),
 - b. allegation,
 - c. name of the subject employee(s),
 - d. date the complaint is received,
 - e. incident date,
 - f. Date IAD notified.
 2. Take action to prevent aggravation of the incident.
 3. Ensure that physical evidence is preserved
 4. Ensure that injured parties receive appropriate medical treatment and that photographs are taken of visible injuries.
 5. Notify the appropriate law enforcement agency responsible for the investigation if the alleged misconduct is criminal,.
 6. Determine whether the accused employee will be on administrative leave pending the outcome of an investigation for very serious incidents. The employee must be placed on administrative leave for Class I and Class II allegations.
- D. The District SAC, Chief of Police or supervisor may attempt to resolve a complaint by an explanation of BIA policies and procedures, where applicable. Attempts to resolve complaints will be noted on an official complaint form. However, the complaint will be forwarded to IAD for review.
- E. The District SAC or Chief of Police will advise the complainant of the BIA's procedures for the processing and investigation of citizen complaints.



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5-01-06 RESPONSIBILITY FOR INVESTIGATION OF COMPLAINTS

- A. District SAC's, Chiefs of Police and supervisors are required to report all allegations of misconduct to IAD as soon as possible but no later than 72 hours from the time of occurrence. Agencies will provide to IAD the following information:
1. Name, job title, and location assigned of the accused employee.
 2. Name and telephone number of the complainant.
 3. A summary of the incident of alleged misconduct.
 4. Any available police reports concerning the incident.
- B. IAD will conduct administrative investigations of allegations of criminal misconduct.
- C. IAD will review all allegations and either initiate an investigation or refer the investigation through the Associate Director of Operations to the District Captain for investigation of Class II allegations, or to the Agency Chief of Police for investigation of Class III/IV allegations. The employee's chain of command may investigate as follows:
1. District Captains will investigate Class II allegations,
 2. Line supervisors will investigate Class III and IV offenses.
 3. IAD will investigate Class I offenses and any others as determined by an IAD supervisor.
 4. IAD will review all allegations and completed investigations.
 5. IAD may reclassify an offense/alleged offense at any time.
 6. Allegations of civil rights violations will be referred to the FBI for investigation
 7. Complainants will be notified by mail regarding verification of receipt of their complaint, status reports, and notification of the results of the investigation. Notification will not be made to anonymous complainants.
 8. Upon completion of a Class II, III, or Class IV investigation the supervisor will forward to the Internal Affairs Division through the chain of command the following:
 - a. All documents and supporting evidence used by the agency in reaching a finding and conclusion.
 - b. The Accountability and Findings Form.
- D. District SAC's, Chiefs of Police and supervisors who fail to report allegations of misconduct will face disciplinary action.
- E. Frequently, by the time an allegation of criminal conduct reaches IAD, a law enforcement agency, such as a County Sheriff's Department, a City Police Department or a Tribal Police Agency has already initiated a criminal investigation.



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1. On a case by case basis, IAD may or may not become involved in an on-going criminal investigation.
 2. IAD will monitor the progress of all such criminal investigations.
 3. IAD may use any information gathered during a criminal investigation in an internal administrative investigation.
 4. At its discretion, IAD may conduct administrative investigations concurrently with or after a criminal investigation has concluded.
 5. If an accused employee refuses to answer questions voluntarily, IAD will not compel a statement unless the prosecuting attorney has concurred or declined prosecution.
- F. 25 Code of Federal Regulations requires that all allegations of Civil Rights violations be reported to the FBI.

Only the FBI is authorized to conduct a full criminal Civil Rights investigation. However, this does not preclude the BIA from conducting a simultaneous or subsequent internal administrative investigation concerning all allegations of use of excessive force and brutality.

5-01-07 SUPERVISORY DUTIES AND RESPONSIBILITIES

- A. The first-line supervisor has primary responsibility for maintaining and reinforcing officer conformance with the standards of conduct.
- B. Supervisors will familiarize themselves with the officers in their unit, and closely observe their general conduct and appearance on a daily basis.
- C. Supervisors will remain alert for indications of behavioral problems or changes that may affect officer's normal job performance. Such information should be documented by the supervisor.
- D. When a supervisor perceives that an officer may be having or causing problems, the supervisor will assess the situation and determine the most appropriate action.
- E. A supervisor may recommend additional training to refresh and reinforce an officer's skills.
- F. The supervisor may use counseling to:
 1. Determine the extent of any personal or job problems that may be affecting performance, and to offer assistance and guidance.
 2. Discuss minor and infrequent rule violations, and to discuss the substance and importance of the rules with the officer.
- G. The supervisor will document all instances of counseling or additional training used to modify an officer's behavior.



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5-01-08 CONSULTATION AND REFERRALS TO OTHER LEGAL AUTHORITIES

IAD shall be notified of the below listed matters even though they may fall outside the investigative jurisdiction of OJS IAD. Agencies shall notify IAD and then consult with the appropriate entity for referrals of complaints involving matters including, but not limited to the following:

1. Hatch Act violations, specific prohibited personnel practices, and Whistleblower Protection Act (5 U.S.C. 1212) are investigated by the Office of Special Counsel or the Office of the Inspector General.
2. Complaints of employment discrimination are investigated by the Equal Employment Opportunity Office or by the bureau, at the request of the officer/agent.
3. Grievances and appeals of adverse personnel actions may be handled by bureau human resources offices and are adjudicated by the Merit Systems Protection Board.
4. Health and safety violations at the workplace are investigated by the Occupational Safety and Health Administration.

5-01-09 EMPLOYEE RIGHTS DURING AN INTERNAL INVESTIGATION

- A. Prior to a subject interview with IAD, IAD will provide the employee's supervisor with confidential written notification of the allegation to be served to the employee. For Class II allegations, the District Captain will prepare and provide the notice letter to the employee's supervisor whom will serve it to the subject employee. For Class III and IV allegations, the employee's supervisor shall prepare and serve the notice letter to the employee. This notification will include a copy of the original complaint or a summary adequately listing the relevant facts, and the employee's rights and responsibilities during the investigation.
- B. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
- C. The interview will be held at the employee's work area or at a location agreeable to both parties.

Investigators will not make promises or offer rewards as an inducement to answer any questions.

5-01-10 ADMINISTRATIVE INVESTIGATIONS

- A. The objective of the investigation is to determine the truth. Administrative investigations will be objective, fair, and thorough. The investigation of all complaints will be conducted in a diligent and thorough manner to ensure pertinent issues are resolved and all appropriate criminal, civil, and/or administrative remedies are considered.



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1. A proper investigation demands that the investigator keep an open mind at all times and gather all the facts.
 2. The accused employee will be given ample opportunity to deny or justify an alleged action.
- B. Assigned investigators will not conduct investigations of employees to whom they are related or with whom they have, or have had, a close association.
- C. If, during an administrative investigation, evidence of criminal misconduct is uncovered, investigators will stop the administrative investigation and consult with an Internal Affairs supervisor.
- D. Where an allegation of officer misconduct involves a possible violation of criminal law under investigation by another entity, the IA investigator will consult with prosecutorial offices at federal, state, local, and tribal levels as applicable to determine if an administrative investigation can or should be conducted simultaneously.
- E. Certain groups of employees may be represented by collective bargaining units. Labor-management agreements between these groups and the Department may afford certain rights and privileges to employees that investigators should be aware of prior to initiating employee interviews.
- F. In addition to rights and privileges afforded via labor-management agreements, some groups may have rights and privileges conferred by statute. For example, the “Weingarten Act” (5 U.S.C. §7114(a) provides the right to have “an exclusive representative of an appropriate unit in an agency be given the opportunity to be represented any examination of an employee in the unit by a representative of the agency in connection with an investigation if the employee reasonably believes that the examination may result in disciplinary action against the employee, [or] the employee requests representation.”
- G. On initiating the investigation, the District Captain, investigating supervisor or special agent will:
1. Review all pertinent documents including but not limited to prior complaints, administrative documents, training records, etc.
 2. Compare the date the incident occurred with the date reported and document the reason for any delays in reporting.
 3. Obtain related medical records as soon as possible in cases in which the medical condition of a witness, complainant, or accused employee is a factor.
 4. Obtain a signed *Medical Consent Form* as early in the investigation as possible. The patient must sign a medical release before physicians or medical facilities can release information from medical records.
- H. In cases where an employee is interviewed, he/she will be advised of the nature of the investigation prior to any questioning.



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1. Prior to questioning, an employee has the right to be informed of his/her status as it relates to the investigation.
 2. As appropriate, investigators will communicate applicable legal warnings to persons being questioned.
- I. When Investigators conduct an interview with the accused employee, the accused employee has the right, if he/she wishes, to be accompanied by an attorney, union representative, supervisor, or other personal representative during any interview concerning allegations of misconduct.
 - J. The employee's representative is limited to acting as an observer of the interview, except when the interview focuses on, or leads to, evidence of potential criminal activity by the employee. Should this occur, the employee's legal representative will be permitted to advise and confer with the employee.
 - K. All interviews conducted by IAD will be recorded in accordance with OJS guidelines. The employee will be advised that the interview is being recorded. Employees or their representative are prohibited from recording the interview. Employees desiring to obtain a copy of their interview may file a FOIA request; see section 5-01-13 J.
 - L. IAD is not required to advise an accused employee of his/her constitutional "Miranda rights" (see end of this section for form) unless:
 1. The employee is in custody.
 2. The interviewing investigator realizes that the employee will not be allowed to leave freely at the conclusion of the interview. At this point during the interview, the employee is effectively in custody and must be advised of his/her rights.
 - M. At the beginning of or prior to the interview, the investigator will provide the accused employee with the appropriate "Warning and Assurance" form. The circumstances of each investigation and the discretion of the investigator dictates which form the employee will be given. (See end of this directive for suggested warnings).
 1. Warning and Assurance to Employee Requested to Provide Information on a Voluntary Basis. The employee will be advised that:
 - a. He/she has the right to remain silent and that he/she cannot be disciplined for exercising this right.
 - b. His/her voluntary statements can be used against him/her in criminal or administrative disciplinary proceedings.
 - c. False statements could subject the employee to disciplinary action including dismissal.
 - d. An employee who is provided the "voluntary" interview form and declines to answer questions may later be provided with the "required" interview form at the discretion of the interviewer.



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2. Warning and Assurance to Employee Required to Provide Information. The employee is advised that:
 - a. He/she is required to fully and truthfully answer all questions and that refusal to do so, or providing false statements can result in administrative disciplinary action, including dismissal.
 - b. Since his/her statements are compelled, they, and any information or evidence gained by reason of those statements, cannot be used against the employee in any criminal proceeding, except if an employee knowingly and willfully provides a false statement or information. He/she may be criminally prosecuted for that action

N. In accordance with criminal law and/or administrative regulations, an employee may be required to:

1. Submit to a physical line up,
2. Submit a full financial disclosure statement,
3. Have photographs taken.

O. Investigators may require that the employee:

1. Submit to breath, blood, urine or other necessary medical or laboratory examinations.
2. Submit to tests using instruments for the detection of deception.

P. No employee who is the subject of a criminal investigation will be required by OJS to answer questions or submit to examinations or tests in violation of his/her constitutional rights.

Q. Investigations of complaints by IAD will be completed within 90 days. Investigations continuing over 90 days must be approved by an IAD supervisor.

5-01-11 CONCLUSION OF INTERNAL AFFAIRS INVESTIGATIONS-REVIEW BY CHAIN OF COMMAND

A. After a thorough, impartial investigation of a particular misconduct allegation has been completed, the responsible investigator will forward the completed case to the Agency Chief of Police/Facility Supervisory Correctional Specialist who will review the case including all the evidence and circumstances and reach one of the five following conclusions as the case finding:

1. Unfounded:
The investigation revealed conclusively that the alleged act(s) did not occur.
2. Exonerated:
The investigation revealed that the alleged act(s) did occur, but the employee's actions were justified, lawful, and proper.
3. Not sustained:
The investigation failed to disclose sufficient information to clearly prove or disprove the allegation.



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4. Sustained:

The investigation revealed sufficient evidence to justify a reasonable conclusion that the accused employee committed the misconduct alleged.

5. Policy or Training Failure:

The allegation is true, but employee's action was not inconsistent with policy and/or training and there is an indication of a need for policy review and revision and/or a need for training.

B. When a misconduct allegation is sustained, the chain of command will recommend that appropriate disciplinary action be taken against the employee.

C. The investigation may conclude that the officer's actions were not appropriate, but were the result of properly following faulty policy or poor training (insufficient or improper). The (chain of command) investigator will identify the policy or training deficiency in a written memo to IAD. Necessary changes will be made to the policy and/or training program in concert with IPA. When retraining is indicated, the officer's supervisor will coordinate retraining of the officer through IPA.

D. Investigations conducted by IAD involving 638 Contract programs will include findings and conclusions.

5-01-12 DISCIPLINARY AND ADVERSE ACTIONS AS A RESULT OF AN ADMINISTRATIVE INVESTIGATION

A. When disciplinary action is taken against an employee, it will be carried out in accordance with applicable federal or tribal code, and/or applicable personnel management regulations.

B. The employee's immediate supervisor will provide a copy of the proposed and actual disciplinary action to the IAD within 60 days of the receipt of the IAD Report.

C. Supervisors and Chiefs of Police who fail to take appropriate disciplinary action against an employee will themselves face disciplinary action.

D. The supervisor will use an employee's prior record, including past misconduct and disciplinary actions, in determining the appropriate discipline to be imposed, but may not use this information as substantive evidence in determining the employee's guilt in the present misconduct allegation.

E. Employees may not be disciplined for allegations deemed unfounded, exonerated, or not sustained, and information from these investigations may not be placed in the employee's personnel file.



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- F. Consistent with the requirements of applicable code and regulations, disciplinary actions may be recommended/taken based on substantial evidence as defined in this section. Consistent with the requirements of applicable code and regulations, adverse actions may be recommended/taken based on a preponderance of evidence as defined in this directive.
- G. An employee may be disciplined for violations of a criminal law even though the officer has not been, or has never been charged with a substantive criminal offense. Also, acquittal on a criminal charge does not prevent the BIA from recommending and taking appropriate administrative action against an employee.

5-01-13 REPORTS OF ADMINISTRATIVE INVESTIGATIONS

- A. Investigative reports and files will contain appropriate documentation sufficient to support report findings, conclusions, and investigative accomplishments.
- B. The report will consist of a description of the alleged criminal acts and/or misconduct, other misconduct identified if necessary, and a summary analysis of all relevant evidence but will not include findings. In the case of 638 Tribal investigations, investigative findings will be included.
- C. Upon completion of investigations referred to supervisors, all files, documents, and evidence related to the investigation will be forwarded to and maintained by IAD in accordance with applicable records retention policy.
- D. The IAD supervisor will provide a copy of a completed IAD investigation following IAD's internal approval process to the appropriate Chief of Police/Facility SCS or supervisor whose responsibility is to ensure that:
 - 1. When an allegation is sustained, appropriate disciplinary action against the guilty employee is taken.
 - 2. The IAD report and contents remain confidential and that access is limited to officials in the employee's chain of command, Personnel Manager, Security Manager, and when appropriate, Tribal officials.
 - 3. IAD Case file reports will be returned to IAD when all administrative actions are completed, including the *Accountability and Tracking Form*.
 - 4. All completed field administrative investigations will be forwarded to IAD when they are completed.
- E. IAD will retain a copy of all reports.
- F. The agency COP will provide written notification to the accused employee of the completion and results of the investigation.



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- G. IAD or the investigating District Captain or agency field supervisor who is tasked with investigating Class II, III and IV allegations will provide written notification informing the complainant of the receipt of the complaint, periodic status reports and notification of the results of the investigation. Periodic updates may be accomplished by telephone.
1. If the allegation was deemed unfounded, exonerated, or not sustained, the letter will briefly explain why.
 2. If the allegation was deemed sustained, the letter will note that the appropriate disciplinary action has been recommended. The specifics of the discipline will not be disclosed.
- H. All IAD records, reports, and related information are confidential documents, which will be kept secured and physically separated from other law enforcement and personnel records. Information in these files is considered confidential and will be retained in a secured area under the control of IAD with access limited for official purposes, and consistent with applicable laws and procedure. Copies will not be retained in local agency/facility personnel files without the express written consent of the IAD Chief.
- I. Upon completion of an investigation by IAD staff, a copy of the completed report and exhibits will be provided to the employee's supervisor. The subject employee may review the case report and make hand-written notations of information in the report. Electronic copies of the case report and/or exhibits will not be made in any format for and/or by the subject employee to include copies made through the use of digital and/or cell phone cameras.
- J. An employee may have access to specific information concerning an investigation via the "Freedom of Information Act", 5 U.S.C. §552, the "Privacy Act of 1974", 5 U.S.C. §552a, employer-employee contact, or grievance procedures. Any disclosure of information should be consistent with these statutes and procedures.

5-01-14 BOARD OF REVIEW

- A. The Internal Affairs Division is responsible for coordinating a Board of Review (BOR) to ensure serious incidents involving BIA-OJS and P.L. 93-638 law enforcement personnel are reviewed to identify potential issues affecting procedure, training, or policy at the bureau or program level.
- B. A BOR will be convened to review serious incidents involving:
1. Death or serious injury in the following categories:
 2. Any death or serious injury resulting from a use of force by law enforcement personnel while acting in the performance of official duties.
 3. Any incident-related death or serious injury of law enforcement personnel occurring while acting in the performance of official duties.
 4. Any death or serious injury to persons in the custody of law enforcement personnel.
 5. Any death or serious injury resulting from a vehicle pursuit involving law enforcement personnel.



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6. Any death or serious injury resulting from a use of force by law enforcement personnel or non-law enforcement personnel during the course of multi-agency action in which the personnel are directly involved or have a direct nexus to the incident. Only the actions of law enforcement personnel will be subject to review.
7. Any intentional discharge of a government issued or personally owned firearm by law enforcement personnel while on or off duty (excluding non-injury discharges during training, recreational shooting activities, and authorized administrative uses such as the dispatch of wildlife).
8. Any unintentional discharge of a government issued or personally owned firearm by law enforcement personnel while on or off duty (excluding non-injury discharges during training when a review of the incident has been conducted by the training staff and non-injury discharges of a personally owned firearm while engaged in recreational shooting activities).
9. Any DOI police canine deployment where a bite occurs.
10. Any incident deemed appropriate for review by the Deputy Bureau Director Office of Justice Services.

C. BOR Initiation.

A BOR will be convened to evaluate each serious incident meeting the criteria as outlined above. A BOR will convene no later than thirty days following the completion of investigation of a serious incident. A BOR may convene in person, via teleconference, via video-conference, or any combination thereof, as it deems appropriate.

D. BOR Panel Composition and Attendees.

1. A BOR panel will consist of a minimum of three members.
2. BOR panel members will be law enforcement personnel.
3. A BOR panel may request input from any other law enforcement or non-law enforcement subject matter experts it deems relevant to the review.
4. To avoid any appearance of conflict of interest and ensure objectivity is maintained, a BOR panel will not include persons involved in the incident, immediate supervisors of persons involved in the incident, or witnesses to the incident.
5. A BOR will have a designated Chairperson. The Chairperson will serve as the point-of-contact for matters pertaining to the BOR and have responsibility for administering BOR functions.

E. Coordination.

1. IAD will notify the Director - Office of Law Enforcement and Security (OLES) when a BOR is scheduled to convene.
2. Notification will identify the serious incident under review and will include the name and title of each member serving on the BOR panel.
3. To avoid compromising any potential judicial proceedings linked to the serious incident under review, the BOR will coordinate with other involved parties (e.g., bureau or office Internal Affairs units, the DOI Office of Inspector General, external law enforcement agencies, the Office of the Solicitor, prosecutorial offices at federal, state, local, or tribal level, etc.).



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4. If an involved party concludes BOR inquiries may compromise any potential judicial proceedings, the BOR Chairperson will request the involved party provide the BOR a written statement requesting a postponement of the review. The Chairperson will forward a copy of the postponement request to the Director - OLES through the appropriate chain of command.

F. Reporting.

1. Within sixty days of convening, a BOR will submit a final report, through the appropriate chain of command, to the Director - OLES. When a BOR cannot submit a final report within sixty days, the BOR will submit a status report to the Director – OLES every thirty days until such time as the final report is provided.
2. BOR final reports will include sections addressing each of the following:
 - a. The identification of the BOR panel members;
 - b. A summary of the serious incident under review;
 - c. Scope of employment of involved persons;
 - d. Authority and jurisdiction;
 - e. An incident analysis (presentation of facts);
 - f. Conclusions (to include observations relevant to procedure, training, and policy as applicable); and
 - g. Recommendations and corrective actions.
 - h. A BOR is responsible for examining all aspects of a serious incident for purposes of identifying and addressing concerns relevant to procedure, training, or policy issues at the program level. No BOR will address or otherwise make administrative or disciplinary recommendations specific to Department employees involved in the incident under review.
3. All information relevant to the serious incident under review will be included within the BOR report. This information may include, but not be limited to, the following:
 - a. Investigative reports.
 - b. If an outside agency conducts an investigation, but declines to provide copies of its reports, the declination will be documented in the BOR report.
 - c. Witness statements and interviews.
 - d. Description of weapons, ammunition, vehicles, and personal protective equipment used by personnel involved in the incident.
 - e. Firearms qualification and training records of DOI personnel involved in the incident.
 - f. Medical records of DOI personnel involved in the incident.
 - g. Description of associated property damage.
 - h. Declination of prosecution or other relevant communications.



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5-01-15 LEGAL WARNINGS

A. Voluntary Warning SEE 5-01-12 N. 1.

Suggested Voluntary warning:

Warnings and Assurances to Employee asked to provide information on a voluntary basis:

You are being asked to provide information as part of an investigation being conducted by The Office of Justice Services into alleged misconduct and/or improper performance of official duties concerning [description of relevant incident].

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or bureau/agency disciplinary proceeding, or both.

Acknowledgement:

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Office/Unit/Bureau Investigator

Employee

Witness: _____
Time: _____

Date: _____
Location: _____



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B. Compelled Warning

The compelled warning is given when an employee is compelled to provide information during an administrative investigation with existing or potential criminal and administrative consequences. (*Kalkines v. United States*, 200 Ct.Cl. 570 (1973)). This warning amounts to a “use immunity” for any act or omission revealed in the interview. Because the authority to grant use immunity lies with the Department of Justice, no administrative investigator may give an interviewee a compelled warning, formal or informal, written or verbal, without first receiving a verbal or written declination from the appropriate U.S. Attorney’s Office. Not all employee interviews warrant a compelled warning. This type of warning is necessary when the investigator wishes to compel the interviewee to make a statement and failure to make a statement may result in disciplinary action. It is important to note that if even if compelled warnings are given, an individual may be subject to criminal prosecution for making false statements pursuant to 18 U.S.C. §1001.

Suggested Compelled Warning:

Warnings and Assurances to Employee required to provide information

*You are being asked to provide information as part of an investigation being conducted by the Office of Justice Services into alleged misconduct and/or improper performance of your official duties. The investigation involves the following: [description of relevant incident]
 The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted.*

*You are going to be asked a number of specific questions concerning the performance of your official duties.
 You have a duty to reply to these questions, and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer, or fail to reply fully and truthfully.
 The answers you furnish and any information or evidence resulting there from may be used in the course of civil or administrative proceedings.
 Neither your answers nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action.*

ACKNOWLEDGEMENT

 Investigator’s Signature

 Employee's Signature

Witness: _____

Date: _____

Time: _____

Location: _____



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C. Miranda Warning

The Miranda warning is given prior to questioning an individual in custody concerning alleged criminal conduct. (Miranda v. Arizona, 384 U.S. 436 (1966).

YOUR RIGHTS

Before we ask any questions or you make any statements, you must understand your rights.

You have the right to remain silent and refuse to answer any questions at any time.

Anything you say can and will be used against you in court of law or other proceedings.

You have the right to talk to a lawyer for advice before answering any questions and to have a lawyer with you during any questioning now or in the future.

If you cannot afford a lawyer, one will be provided for you without cost.

If you decide to answer questions now, you have the right to stop answering questions at any time you desire.

Waiver

I have read this statement or have had my rights read to me and I understand what my rights are. I am willing to make a statement and answer questions. I understand and know what I am doing. No promises or threats have been made against me and no pressure or coercion of any kind has been used against me.

Office of Justice Services
Investigator Conducting Inquiry

Subject's Signature

Witness

Date

Time

Place



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SECTION 6- U.S. INDIAN POLICE ACADEMY

POLICY

The United States Indian Police Academy (IPA) designs basic, advanced, and outreach training specific to Indian Country Justice Services needs for police officers, criminal investigators, correctional officers, tribal court staff, and telecommunication equipment operators; provides law enforcement training to OJS and Tribal law enforcement organizations that are designed to meet standards, employee development, and organizational improvement; approves training provided to OJS personnel; conducts research and evaluation of proposed equipment and technology; and develops national policy and procedure for the BIA Office of Justice Services.

6-01 PRE-SERVICE AND BASIC TRAINING/CERTIFICATION

POLICY

All individuals hired for the position of law enforcement officer/special agent must successfully complete the approved Basic Law Enforcement Training Program prior to appointment as a law enforcement officer/special agent. Individuals that have completed a non BIA basic police officer or criminal investigations training program may request a Certification by Waiver (CBW) of training from the Deputy Director, OJS, as set forth in 25 CFR § 12.36.

RULES AND PROCEDURES

6-01-01 GENERAL INFORMATION

- A. The Indian Police Academy (IPA), Federal Law Enforcement Training Center approved curriculum is based on tasks performed in the most frequent assignments of officers who complete recruit training, and utilizes evaluation techniques designed to measure competency in the required skills, knowledge and abilities.
- B. The training provided to recruits is a continuation of the selection process where efforts are made to evaluate police aptitude.
- C. Basic training develops the necessary skills, knowledge, and abilities that will:
 1. Systematically guide officers so that they can properly apply their academic knowledge to actual field situations.
 2. Guide officers so that they can analyze field situations in a logical manner.
 3. Develop officers so they can function effectively, following standard operating procedures and applying common sense in fulfilling the goals and objectives of the law enforcement agency.
 4. Inform officers of law enforcement duties and responsibilities and how they are expected to perform these duties.
 5. Evaluate the progress and potential of law enforcement officers and assure development of their skills.



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6. Identify law enforcement officers who meet the requirements of the law enforcement agency.
7. Identify law enforcement officers who fail to meet mandatory requirements of the law enforcement agency and either extend their training as needed to meet mandatory requirements or terminate them as law enforcement officers.

D. All OJS Special Agents receive criminal investigator training at the FLETC Basic Criminal Investigator Training Program or the DOI Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia.

6-01-02 BIA-OFFICE OF JUSTICE SERVICES LAW ENFORCEMENT CERTIFICATION

Upon successful completion of Police Officer or Special Agent basic training or upon receiving a Certification by Waiver (CBW) of training meeting the requirements as set forth in 25 CFR § 12.35 or 12.36, officers/special agents will be certified by the Office of Justice Services to serve as a police officer/special agent in Indian Country.

6-01-03 MANDATORY REQUIREMENTS - NO PRIOR CERTIFICATION

A. Pre-Service and Basic Police/Special Agent Training Courses.

Prior to performing law enforcement duties, newly employed law enforcement personnel, must successfully complete the approved Pre-Service Training at the hiring agency and Basic Police Officer Training Program conducted at the Indian Police Academy. Special agents who have completed the IPA Basic Police Officer Training Program will attend the 5 week DOI Investigator Training Program. Special agents who have not completed the IPA Basic Police Officer Training Program must complete the 10 week FLETC Basic Criminal Investigator Training Program. Both programs are at the Federal Law Enforcement Training Center in Glynco, Georgia.

B. Pre-Service Training.

The division SSA/agency Chief of Police will schedule and ensure all newly hired law enforcement personnel complete an IPA approved pre-service training curriculum. Division/agency Pre-Service Training will include but not be limited to the following:

1. Firearms training and qualification (sidearm, shotgun, and rifle)
2. Law Enforcement Handbook topics including but not limited to:
 - a. Ethics/Code of Conduct
 - b. Sexual Misconduct
 - c. Use of Force and deadly force policy
 - d. Pursuit Driving
 - e. Intermediate Weapon Certification
 - f. Sexual Harassment/EEO
 - g. Internal Affairs
 - h. First Aid/CPR



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C. Basic Training.

Upon successful completion of pre-service training, the employee will be scheduled to attend and complete the appropriate IPA/FLETC Basic Training Program approved by the Chief, U.S. Indian Police Academy.

D. Cost of Basic Training.

1. The Division/District/Agency Supervisor is responsible for providing funds for travel, per diem, and related expenses for personnel to attend the training at the Indian Police Academy and/or Federal Law Enforcement Training Center.
2. The Indian Police Academy is responsible for providing funds for basic training tuition and related expenses for personnel attending basic training at the Indian Police Academy and/or Federal Law Enforcement Training Center.

E. Academy Orientation Handbook

The Indian Police Academy, or other approved academy, will provide an orientation handbook to all new recruits at the time academy training begins.

F. Appointment as a police officer Contingent on Successful Completion of Training Requirements.

1. Appointment as a law enforcement officer/special agent is contingent on successful completion of all basic pre-service and IPA/FLETC basic training requirements, including the Physical Efficiency Battery (PEB) and firearms qualification.
2. Once all training is successfully completed, the officer will be considered certified by the Office of Justice Services.

G. Basic Special Agent Training.

1. Prior to performing law enforcement duties, employed special agents who have completed the IPA Basic Police Officer Training Program must successfully complete the DOI Investigator Training Program. Special agents who have not completed the IPA Basic Police Officer Training Program must successfully complete the Basic Criminal Investigator Training Program. Both programs are conducted at the Federal Law Enforcement Training Center in Glynco, Georgia.
2. Once all training is successfully completed, the special agent will be certified by the Office of Justice Services.

6-01-04 WAIVER/TRAINING REQUIREMENTS WITH PREVIOUS TRAINING/CERTIFICATION

- ### A. Officers/Special Agents with prior basic police or criminal investigation training/certification may request Certification by Waiver (CBW) of training. The hiring division SSA/agency Chief of Police will submit the OJS 6-01-A *“Request for Waiver of Training Requirements Based on Previous Law Enforcement Certification”* form along with all necessary documentation to the Indian Police Academy for review.



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B. Certification By Waiver Process

1. When requesting Certification by Waiver of training for a newly hired law enforcement officer/special agent with prior police experience, the OJS manager will:
 - a. Complete OJS form 6-01-A "*Request for Waiver of Training Requirements Based on Previous Law Enforcement Certification*". Documents to be included as indicated on the CBW form include but are not limited to:
 - 1) Acknowledgement of Pre-Service Training by SSA/COP.
 - 2) Employment history form.
 - 3) Training Status Verification Form.
 - 4) Notarized proof of successful completion of a basic law enforcement academy.
 - 5) Documentation which includes curriculum, hours completed and dates of the basic police officer training program completed.
 - 6) Copy of P.O.S.T. certified training transcript.
 - 7) Copy of all advanced training certificates and in-service training certificates completed.
 - b. Collect all documents identified in the above form and submit them with the form to the Chief of Training, Indian Police Academy for processing.
2. Not permit the new employee to perform any law enforcement duties until the Deputy Director, OJS has approved the request for certification by waiver.

C. If the individual's previous training is acceptable and approved by the Academy Director, Indian Police Academy, the individual will complete the following steps:

1. Successfully complete division/agency pre-service training.
2. Receive approval from the OJS Deputy Director to perform law enforcement duties.
3. Be scheduled for and successfully complete the IPA Basic Police Officer, DOI Investigator Training Program, or FLETC Criminal Investigator Training Program.

D. Law Enforcement Officer/Special Agent Certification

Following successful completion of the Basic Police Officer/CI Training Program, the officer/special agent will be considered certified by the Office of Justice Services, attesting to the fact that the officer/special agent has met all training requirements to perform as a police officer/special agent in Indian Country.

6-01-05 RE-CERTIFICATION

- A. A former employee whose certification has been rendered invalid for failure to meet annual refresher in-service training requirements for a period greater than one year but less than three years may reapply for a position with a law enforcement commission.
 1. To be re-certified, the employee must complete an approved in-service training course.



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2. The course will provide a minimum of 40 hours of training and will include, but not be limited to instruction on:
 - a. Ethics, Conduct, and EEO,
 - b. Legal updates (search and seizure, laws of arrest),
 - c. Use of force and deadly force policy,
 - d. Defensive equipment use,
 - e. Arrest techniques,
 - f. Firearms qualifications,
 - g. Any other subjects identified as an individual need.

3. The employee must hold current certifications or be re-certified in first aid and CPR.
4. The Indian Police Academy will maintain information on approved in-service courses.

B. A former employee that has not been employed as a certified and commissioned law enforcement officer/Special agent (federal, state, tribal) for more than 3 years must complete an IPA certified basic police officer/CI training program to meet re-certification.

6-01-06 DE-CERTIFICATION

A. The Deputy Director, OJS may refuse to issue, or may suspend or revoke a police officer's/special agent's certification when it is determined that the officer/special agent has:

1. Failed to maintain firearms qualification or complete the 40 hour mandatory in-service training requirements.
2. Committed acts that constitute dishonesty or fraud;
3. Been convicted of, pled guilty to or entered a plea of no contest to:
 - a. Any felony charge; or
 - b. Any violation of federal, or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances or any law or ordinance involving moral turpitude;
4. Knowingly made any false statement in his/her application for certification.

B. Administrative procedures for suspension or revocation of a police officer's/special agent's certification shall include notice and an opportunity for the affected police officer/special agent to be heard.



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6-02 IN SERVICE TRAINING

POLICY

All law enforcement personnel are required to attend a minimum of forty hours of in-service training annually to enhance skills and increase knowledge for their job responsibilities. During training sessions, information about the use of force, changes in federal, state, or tribal laws and officer safety issues are taught by certified instructors.

RULES AND PROCEDURES

6-02-01 MINIMUM IN-SERVICE TRAINING

- A. All law enforcement personnel will receive a minimum of forty hours of in-service training annually to meet training needs and to keep abreast of developments in the field of law enforcement. This training is in addition to mandatory firearms training and qualification every six months, and Red Cross first aid certification.
- B. Training received from outside sources may qualify towards the 40 hour requirement. In order to qualify, an SF-182 must be completed, submitted to the Chief, Indian Police Academy for approval prior to attending the training.

6-02-02 INDIAN POLICE ACADEMY ADVISORY COMMITTEE

- A. To ensure that all OJS personnel are afforded the opportunity to communicate their training needs, an Indian Police Academy Advisory Committee comprised of representatives of major OJS components will be established. The purpose of the Committee is to review, evaluate, and offer recommendations to the OJS Deputy Bureau Director relative to the types of training programs that should be afforded to both commissioned and civilian personnel.
- B. Appointed OJS personnel, comprising the IPA Advisory Committee shall render advice on training matters.
- C. The IPA Advisory Committee reports to the Deputy Bureau Director of OJS. The Committee shall be chaired by the Academy Director, Indian Police Academy and be comprised of the following personnel:
 - 1. One individual representing the Field Operations Directorate
 - 2. One individual representing Drug Enforcement
 - 3. One individual representing Corrections
 - 4. One individual representing Telecommunications
- D. Additional committees or subcommittees may be established as needed by the Academy Director, Indian Police Academy.



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6-02-03 ASSESSMENT OF TRAINING NEEDS, CURRICULUM DEVELOPMENT, AND EVALUATION

- A. The IPA will conduct an annual needs assessment to determine training requirements.
- B. The IPA will review all training programs annually to ensure that they address personnel and operational needs, meet legal mandates, and comply with BIA/ OJS policy.
- C. The IPA will use the “Instruction Design System” model in developing training in-service training problems. This model includes analysis, design, development, implementation, and evaluation. The analysis component will be coordinated through the district training coordinators.
- D. Each District designated training coordinator will identify the annual in-service training needs for personnel assigned to law enforcement agencies. The Special Agent in Charge will ensure that topics that may be required for certifications in other jurisdictions, such as state law enforcement certifications, are included in the in-service training. The training will include, but is not limited to, a review of the pertinent topics, such as:
 1. Agency policy, procedures, and rules and regulations, with emphasis on changes,
 2. Statutory or case law affecting law enforcement operations, with emphasis on changes and legal updates,
 3. Functions of agencies in the local criminal justice system,
 4. Jurisdictional issues in Indian country,
 5. Interrogation and interviewing techniques,
 6. Use of force, including deadly force,
 7. Officer survival,
 8. Computers and automation,
 9. Emergency fire suppression techniques,
 10. New or innovative investigative or technological techniques or methods, if any,
 11. Hazardous materials incidents,
 12. Contingency and emergency plans,
 13. Crime prevention and community policing,
 14. Collection and preservation of evidence,
 15. Officer wellness and stress reduction,
 16. Child abuse and domestic violence.
 17. Annual retraining in sexual harassment.



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E. Additional Training Coordinator Responsibilities;

1. The training coordinator will review the year's Incident Reports and the Annual Report to identify areas where staff may require or could benefit from additional or refresher training.
2. The training coordinator will consult with the Chief of Police or Special Agent in Charge and supervisory staff to determine if there are any specific topic areas needed.
3. The training coordinator will include all new sections of the Manual in the training curriculum.
4. The training coordinator will estimate the time allotted for each topic to ensure that an adequate number of training hours will be provided over the course of the year, identify associated costs, and list training equipment needs.
5. If the training coordinator develops or modifies training materials, he/she will develop a course description, lesson plan, and copies of any tests and include them with the Annual Training Report for review and approval by the Academy Director, Indian Police Academy.

F. Training Coordinator Selection and eligibility

1. The District Captain will serve as the District Training Coordinator.
2. Training Coordinators must have completed the FLETC Law Enforcement Instructor Training Program and have maintained instructor eligibility as defined by IPA.

6-02-04 TRAINING DEFICIENCIES

- A. Training deficiencies may be noted by anyone in the law enforcement officer's chain of command.
- B. When training deficiencies are noted, an appropriate correction program will be instituted and the results documented.
1. Minor training deficiencies may be handled at the shift level and documented by supervisors.
 2. Major training deficiencies will be brought to the attention of the Chief of Police or the Special Agent in Charge and IPA through the law enforcement officer's chain of command and an appropriate remedial program will be developed and utilized.



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6-02-05 DEVELOPMENT OF ANNUAL INDIVIDUAL TRAINING NEEDS

- A. To determine what annual training should be provided for each employee, the employee's supervisor, in consultation with the employee and the training coordinator, will determine the employee's training needs, prepare an Individual Development plan (IDP), and schedule necessary training.
- B. The training coordinator will identify resources to meet training requirements, including the annual forty hours mandatory in-service training. These resources may include courses conducted by the Indian Police Academy.
- C. The training coordinator will document all training received.

6-02-06 REMEDIAL TRAINING

- A. If a supervisor or the training coordinator believes that remedial training is required for an employee in his/her command, he/she will forward a request with appropriate documentation to the Chief of Police or Special Agent in Charge through the chain of command.
- B. The Chief of Police or Special Agent in Charge may order remedial training to correct identified problems or deficiencies.

6-02-07 DISMISSAL FOR FAILURE TO MEET MANDATORY TRAINING REQUIREMENTS

- A. A supervisor may recommend dismissal of a law enforcement officer for failure to meet mandatory training requirements.
- B. The formal action should only be used after other methods of correcting training deficiencies have failed, but this does not preclude termination for other misconduct.
- C. Any actions taken will be done consistent with applicable Federal guidelines for personnel actions.

6-02-08 SHIFT BRIEFING TRAINING

- A. Periodically, training may be conducted at shift briefings. This training may include legal updates, new policy, and other topics that can be presented in a minimum amount of time.
- B. Lectures, videotapes, demonstrations, or other means may be used in shift briefing training.
- C. Supervisors must document shift briefing training and attendance in the *Shift Briefing Training Attendance Log* (6-02-A). Documents should include copies of the material discussed, and names of personnel in attendance. Shift Briefing training documentation should be filed at the agency office and be available for review during staff inspections.



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6-03 SPECIALIZED/ADVANCED/EXECUTIVE TRAINING

POLICY

OJS will provide employees with the specialized, advanced, and executive training they need to enhance the skills, knowledge, and abilities needed to successfully perform their current or future assignments.

RULES AND PROCEDURES

6-03-01 GENERAL INFORMATION

- A. Training of personnel is essential to an organizations ability to carry out its mission in the most effective and efficient manner. Specialized training ensures that personnel performing functions requiring certain skills, knowledge or abilities that are unique to that assignment are prepared prior to assignment to that entity. Advanced training is essential for the development of supervisory personnel as they move into positions that require more supervisory skills and knowledge of policies, rules and procedures. Executive training, whether through IPA or IPA approved programs, prepares those chosen to assume command of the organization in the management skills necessary to manage an organization.
- B. Basis for Specialized Training.
Specialized training is based on the results of a job task analysis of the specialized assignment or mandated training to perform the required duties. Assignments that require licenses, certifications or completion of mandated programs will receive and complete such training prior to the individual assuming full duties of the assignment. Training that enhances the skill level of the employee will be completed within three months following assignment to the unit. Scheduling will be the responsibility of the unit's supervisor as well as notification to IPA that the training was completed.
- C. Assignments Requiring Specialized Training.
 1. General Police Instructor
 2. Child abuse investigations
 3. Special response or tactical team
 4. Drug Enforcement
 5. Gaming
 6. ARPA
 7. Field Training Officer
 8. Firearms Instructor
 9. P.E.B. Instructor
 10. Driving Instructor
 11. Defensive Tactics Instructor



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- D. Identification of additional Specialized Training Assignments.
The Chief of Police or Special Agent in Charge will identify all specialized assignments in his command that require specialized training. This list will be sent to IPA for approval and maintained for use in determining specialized class needs.
- E. Advanced Training
Personnel will be required to attend advanced training identified by the Indian Police Academy immediately upon promotion to each supervisory position. Training may be internal or external depending on the availability and level of the course content. Attendance will be tracked and recorded in the employees training file at IPA. A certificate of completion or diploma will be forwarded by the attendee to IPA.
- F. Executive Training.
The Deputy Bureau Director, Office of Justice Services, will identify training programs that his command staff must attend because of the high level of managerial skills, knowledge, and abilities needed to effectively and efficiently manage the organization. Training may include the FBI National Academy, Northwestern Traffic Institute, DOI University, FLETC Management schools, or external corporate training programs. The Indian Police Academy will coordinate the application process for the attendee when advised by the Deputy Bureau Director which course he/she will attend.

6-03-02 PROVISION OF FORMAL SPECIALIZED TRAINING

- A. The Indian Police Academy will directly provide training in specialized areas when feasible.
- B. The Indian Police Academy will maintain a resource listing of national training resources that provide specialized training that is appropriate for these specializations.
- C. If the training is not provided by the Indian Police Academy, the Special Agent in Charge will be responsible for funding the training.

6-03-03 INSTRUCTOR CERTIFICATION AND MAINTENANCE

Individuals designated as instructors must be trained and certified by IPA. Instructors must conduct at least one class a year to maintain certification. Instructors may be required to attend update classes at IPA and attend a refresher course every three years.

6-03-04 SPECIALIZED TRAINING RECORDS

All individuals receiving specialized training will send records (SF-182) documenting the training to IPA for filing in the employee's training file.



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6-05 TRAINING COORDINATION AND RECORD KEEPING

POLICY

District and Agency Training Coordinators within the OJS will ensure that ongoing training is provided to OJS personnel. Training provided will be documented and records will be kept for each individual at the District/Agency and Indian Police Academy.

RULES AND PROCEDURES

6-05-01 GENERAL INFORMATION

A. Responsibility for Training.

The Chief of Police or Special Agent in Charge will ensure that staff participates in an on-going training program for law enforcement personnel. The District Captain will serve as the training coordinator for the District, based on criteria established by this directive. In the absence of a training coordinator, the Assistant Special Agent in Charge or designee will act as the training coordinator.

B. Training of the Training Coordinator.

The training coordinator must have completed the FLETC Law Enforcement Instructor Training Program.

C. Certification in Specialized Training Areas.

The Indian Police Academy will identify those specialized training areas, such as firearms instructor, in which certification as a trainer is required. This does not negate the need to obtain certification from outside agencies, in areas where applicable, such as the American Heart Association's certification of CPR training.

D. Access to Training Resources.

The Academy Director, Indian Police Academy, may be contacted for additional information about training resources. The Indian Police Academy will schedule training for law enforcement officers on an annual basis.

E. Local Training Resources.

Each District/Agency will identify training resources that are available at their location through other resources including, but not limited to, other law enforcement academies, the Indian Health Service and other specialized programs.



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6-05-02 RESPONSIBILITIES OF SUPERVISORS

- A. Supervisors will consult with employees to determine training needs and prepare training plans that record needs that have been determined and met, based on the Employee Individual Development Plan.
- B. Supervisors will assure that there is full compliance with the mandatory training requirements.
- C. Annually, each employee's immediate supervisor will meet with the employee for career counseling. This counseling will occur at the same time as the employee's annual performance evaluation. The counseling will include an evaluation of the employee's performance record and a review of training programs applicable to the employee's duties. The supervisor will initiate an Individual Development Plan (IDP) for the employee.

6-05-03 TRAINING RECORDS

- A. The training coordinator will establish and maintain a local training record for each employee and maintain in the Supplemental Employee Personnel File. The training record will include:
 - 1. Dates of training.
 - 2. Types of Training.
 - 3. Copies of any certificate received.
 - 4. Attendance records.
 - 5. Performance scores of individual attained as measured by tests, if administered or competency.
- B. The training coordinator will maintain files on all in-house training courses or presentations, including:
 - 1. Course content (lesson plan) to include;
 - a. A statement of performance and job-related objectives
 - b. The content of the training and specification of the appropriate instructional techniques
 - c. A process for the approval of lesson plans
 - d. Identification of any tests used in the training process.
 - 2. Attendees names
 - 3. Attendee's performance measured by a testing process.
- C. The training coordinator will document the date of successful completion of Pre-Service Training and include copies of all training certifications received at that time.



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- D. The training coordinator will include records of attendance at each in-service training event attended and ensure that each employee receives the required number of in-service hours annually.
 - 1. Attendance will be documented by either the instructor, or in cases in which the training is at a location other than the agency, documentation will be furnished by those responsible for the training;
 - a. If training is provided off-site, the training coordinator will provide the trainee with a *Training Attendance Sign-In Sheet (6-05-A)* prior to his leaving for the training.
 - b. The off-site trainer will complete the *Training Attendance Sign-In Sheet*, adding any additional materials or comments and return it to the training coordinator.
 - 2. If attendance at a training program may be excused because of uncontrollable events, i.e., court appearance or sickness, any excuse must be properly approved by the administrators of the program and must comply with directives under which the training program is operated.
 - 3. If training is provided on-site, each person who provides training will document it by having each trainee register on a *Training Attendance Sign-In Sheet*.
- E. The training coordinator will record information from the Training Attendance Sign-In Sheet on each employee's Training Record.
- F. The training coordinator will report all training conducted to the Indian Police Academy.
- G. The training coordinator will use summary information on training sessions and each employee for the *Training Report*.
- H. The training coordinator will use a *Master Training Roster* to identify certification dates and deadlines for all personnel.

6-05-05 MASTER TRAINING RECORD

- A. The Academy Director, Indian Police Academy, or designee will maintain a master training record for each OJS employee.
- B. As personnel complete training programs, the date of the training, and the types of training received, any certificates received, attendance, and test scores will be recorded. It is the employee's responsibility to submit form SF-182 to IPA once training is completed.
- C. Annually the Academy Director, Indian Police Academy, or designee, will review training records to ensure that all OJS employees are properly certified and have met the applicable training requirements.



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6-05-06 CERTIFICATION OF ANNUAL TRAINING REQUIREMENTS

- A. Each year the training coordinator will prepare a summary of training delivered to document compliance with pre-service and in-service training requirements for all law enforcement personnel assigned to the agency, and completion of required certifications and re-certifications.
- B. The training coordinator will submit the Annual Training Report to the Chief of Police or Special Agent in Charge for review and signature.
- C. The Chief of Police or Special Agent in Charge will attest to the delivery of the training, including certification and re-certification.
- D. The Chief of Police or Special Agent in Charge will submit the Annual Training Report to the Academy Director, Indian Police Academy.



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6-07 MANAGEMENT OF THE OJS HANDBOOK

POLICY

OJS has a responsibility to its personnel, who are held accountable for complying with all policies, rules, and procedures, and meeting the highest standards, to immediately provide them with a copy of the most accurate and up-to-date OJS Law Enforcement Handbook, inclusive of new policies and revisions.

RULES AND PROCEDURES

6-07-01 GENERAL

- A. The Academy Director, U.S. Indian Police Academy will be responsible for the preparation, revision, issuance, dissemination, and maintenance of directives contained in the OJS Law Enforcement Handbook.
- B. The Academy Director will be responsible for ensuring that any additions, revisions, and updates are incorporated into the Handbook in a timely manner and distributed to all affected OJS personnel as described in directive VIII Written Directive System of the Handbook.
- C. The designated individual will be responsible for reviewing all proposed changes, revisions, additions, and updates to ensure compliance will federal statutes, Department of Interior, and Bureau of Indian Affairs rules, regulations, and guidelines.
- D. National Accreditation Standards will also be complied with as part of the review process. These standards represent a nationally recognized level of quality for law enforcement practices.



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7-01 INDIAN HIGHWAY SAFETY PROGRAM (IHSP)

POLICY

The Office of Justice Services (OJS) supports the overall mission of the IHSP is to reduce the number and severity of traffic crashes in Indian Country by supporting Education, Enforcement, and Engineering, as well as Safe Tribal Community Programs.

RULES AND PROCEDURES

7-01-01 ORGANIZATION

- A. The Department of Interior (DOI), BIA, IHSP is the focal point for highway safety issues in Indian Country. The IHSP is located in Albuquerque, New Mexico and provides services to the Indian State. The Indian State is defined as all federally recognized tribes within the United States.
- B. The IHSP currently consists of five full time positions, with the Governor's Representative being an OJS headquarters position. The IHSP provides leadership by developing, promoting and coordinating programs that influence tribal and public awareness of all highway safety issues.
- C. The IHSP provides administrative control and oversight of all highway safety funds distributed to the BIA recognized tribes and organizations to reduce highway related injuries and deaths.

7-01-02 AUTHORITY

- A. In accordance with 23 U.S.C. 402, the Secretary of Transportation or the Secretary's delegate is authorized to promulgate rules and regulations to implement Section 402 by prescribing annually the form and manner of submission of the Indian Highway Safety Program.
- B. For the purpose of Public Law 93-87, Federal Aid Highway Act of 1973, Indian reservations are collectively considered a State and the Secretary of the Interior is designated "Governor of the Indian State".
- C. The Secretary of the Interior has delegated the authority to administer the IHSP to the Assistant Secretary – Indian Affairs. The Assistant Secretary – Indian Affairs designated the Deputy Associate Director, BIA, Office of Justice Services (OJS), as the Program Administrator and the Governor's Representative for the Indian State.
- D. The Deputy Associate Director of Operations/Governor's Representative has delegated the day to day functions and operations to the Division Branch Chief (Director) of IHSP.
- E. Any changes to the IHSP Operating Guidelines can be made by the Director of Indian Highway Safety.



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8-01 DRUG ENFORCEMENT

POLICY

OJS personnel can provide drug enforcement to Indian country in coordination with the Division of Drug Enforcement.

RULES AND PROCEDURES

8-01-01 GENERAL INFORMATION

- A. If the law enforcement agency allows or participates in covert, undercover, decoy, or special operations, the Chief of Police, Supervisory Special Agent, or Special Agent in Charge will follow procedures established by OJS policy that provide for the following:
1. Analyzing crimes, victims, and suspects,
 2. Determining legal ramifications,
 3. Familiarizing officers with the objective and details of the operation, the neighborhood, or target area,
 4. Determining operational procedures for observation, arrests, surveillance, and high-risk entries,
 5. Supplying agents with CAF funds, (must comply with 2-47 CAF Funds)
 6. Establishing means of routine and emergency communication,
 7. Selecting equipment or vehicles,
 8. Providing relief, backup security, and perimeter protection for officers,
 9. Supplying officers with false identity, disguises, and necessary credentials,
 10. Maintaining overall confidentiality and cover,
 11. Obtaining authorization for the raid and use of force,
 12. Designating a single person as supervisor and coordinator,
 13. Providing close supervision,
 14. Making contacts with suspects,
 15. Searching for and seizing evidence and/or contraband,
 16. Requesting medical assistance, and
 17. Obtaining coordination and assistance from others both inside and outside of the agency.
- B. District Special Agent in Charge and COP Authority.
The Special Agent in Charge and COP has authority to direct and supervise drug operations, utilizing district/agency staff within the district's jurisdiction in coordination with DDE unless the operation will compromise DDE operations.
- C. Cooperation with Other Enforcement Agencies.
The District Special Agent in Charge, or designated supervisor, will ensure that the drug enforcement officer/agent, or unit, shares information and cooperates with any existing regional DDE drug enforcement units, DEA, and any other similar federal, state, or local law enforcement investigative unit.
- D. The District Special Agent in Charge will ensure de-confliction with DDE staff occurs before any district/agency drug operation is planned or occurs.



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8-01-02 DRUG ENFORCEMENT OPERATIONS

- A. If the law enforcement agency has a specialized drug enforcement officer, or unit, the Chief of Police will appoint a drug unit supervisor to oversee the investigative and enforcement operation. The Chief of Police has the discretion to act in this capacity.
- B. The SAC or designee will ensure that any officers/special agents assigned to conduct drug operations receive training in basic drug operations and other IPA/DDE approved topics prior to assignment.
- C. The SAC or designee will follow DDE SOP guidelines/procedures governing the scope and focus of drug enforcement and investigative functions. These procedures may include:
 - 1. A mission statement describing the primary focus of the effort.
 - 2. Guidelines on the category of crimes that will be handled at the local level.
 - 3. Description of protocols for sharing information with other drug enforcement units.
 - 4. Description of protocols for passing on cases, or informants, to other drug enforcement units.
 - 5. Methods of conducting special operations. These operations may include, but are not limited to:
 - 6. Undercover operations.
 - 7. Surveillance operations.
 - 8. Execution of search and arrest warrants.
 - 9. Method of accounting for use of "CAF" money or other undercover transactions per 8-04 policy.
 - 10. Any special requirements dealing with seizing, cataloging or securing drug evidence, seizing assets, or seizing and securing cash.
- D. Drug enforcement officers will comply with DDE SOP's related to use of informants and intelligence information.
- E. The agency drug enforcement officer/agents supervisors are responsible for communicating frequently with the District Special Agent in Charge about the type and status of on-going drug enforcement operations.
- F. The agency drug enforcement officer/agents supervisors will submit weekly reports related to the drug enforcement operation. These reports will include, but are not limited to:
 - 1. Written status and description of each active case.
 - 2. Number of cases initiated in the reporting period.
 - 3. Number of arrests made.
 - 2. Description of type, amount, and value of seized drugs.
 - 3. Description of type, amount, and value of seized assets.
 - 4. Number of cases still active.
 - 5. Upcoming investigative activities.



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8-01-03 INVESTIGATION OF CLANDESTINE DRUG LABORATORIES

A. The investigation of clandestine drug laboratories presents unique challenges to law enforcement personnel and requires specialized training other than what is normally received by a law enforcement officer or investigator.

B. Certified Law Enforcement Personnel

In order to recognize and safely handle the hazards of a clandestine laboratory site, law enforcement personnel must have successfully completed the Drug Enforcement Administration (DEA) Clandestine Laboratory Safety Certification Training. This training certifies personnel to safely and effectively seize a clandestine laboratory, which includes service of a warrant, processing evidence, and assisting with disposal of hazardous waste and material. This training program is developed in accordance with regulations mandated by the Occupational Safety and Health Administration (OSHA) in Title 29, Code of Federal Regulations (29 CFR) and with recommendations from the National Institute of Occupational Safety and Health (NIOSH). Certified personnel will adhere to the policy and procedures mandated by the Occupational Safety and Health Administration (OSHA). All DDE Special Agents will attend the Clandestine Laboratory Safety Certification Training.

C. Non Certified Law Enforcement Personnel

Often the first law enforcement presence on the scene is the uniformed patrol officer. When a clandestine laboratory is discovered, the responding officer(s) will immediately provide for the safety of all persons in the area, which include the public, police, and defendant(s) by accomplishing the following:

1. Evacuate the surrounding area.
2. Contact the local fire department/hazmat team.
3. Contact ambulance/paramedics.
4. Contact utility companies to disconnect the gas and electricity to the building.
5. Do not allow anyone, who is not trained or properly equipped, to enter the scene.
6. Most importantly, contact specially trained personnel to process and dismantle the laboratory.



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8-03 HIGHWAY DRUG INTERDICTION OPERATIONS

POLICY

Drug enforcement personnel will comply with guidelines for conducting highway drug interdiction operations.

RULES AND REGULATIONS

8-03-01 HIGHWAY DRUG INTERDICTION OPERATION

- A. A written overall operation plan will be submitted to the Supervisory Special Agent, Division of Drug Enforcement (DDE) for approval. The overall operation plan will be consistent with the Operation Plan policy.
- B. All highway drug interdiction operations will be conducted in full cooperation with federal and tribal prosecutorial entities, and tribal, local, and state law enforcement agencies when applicable.
- C. All highway drug interdiction operations will be consistent with existing BIA-OJS Uniformed Police Roadblock and K-9 policies and procedures.
- D. Participating personnel will not commit any violations of civil rights or participate in conduct, which would constitute unlawful investigative techniques (e.g., illegal searches).
- E. All participants will attempt to have the suspect sign a *Voluntary Consent to Search* form, even if a verbal consent was given.
- F. Participating personnel will not wear tactical clothing or fatigues during a highway interdiction operation. Submachine guns or rifles will not be visible to the public unless warranted.
- G. DDE Personnel will wear approved Police clothing as listed in the OJS uniform policy or approved by their supervisor. Police identification must be clearly visible.
- H. DDE Personnel will not utilize un-marked government vehicles for initiating traffic stops unless they are equipped with the required emergency lighting and equipment. DDE personal will make every attempt to make traffic stops with a clearly marked police vehicle.
- I. All Personnel shall be armed with an authorized duty firearm during interdiction operations. All personnel will wear approved body armor at all times during the operation.



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- J. In the event U.S. Currency is seized, it will be counted in the presence of the person who had possession. If the person disclaims ownership of the currency, they will complete and sign the *Disclaimer of Ownership of Currency* form in the presence of a witness. The form will be submitted with the case report.
- K. Audio/video recording devices should be used whenever possible to ensure the safety of Agents and to record and preserve corroborating evidence.
- L. All drug, currency, and weapons seizures will be documented on a *Drug seizure Report*; this report will be forwarded to the Supervisory Special Agent, DDE, in a timely manner.
- M. All Personnel will ensure highway interdiction operations are consistent with existing BIA-OJS policies and procedures as it pertains to Operation Planning, Evidence Collection, and Seizure of Property and Asset Forfeiture.
- N. Following any interdiction operation, supervisors will conduct an after action review debriefing with all participants. The debriefing will be included as a component of the Overall Operations Plan.



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8-04 CONFIDENTIAL ADVANCED FUNDS

POLICY

The Office of Justice Services provides guidelines for the accounting of Confidential Advanced Funds utilized during the course of criminal investigations. These guidelines apply to all commissioned OJS personnel and all tribal, local, state, and other Law Enforcement agencies participating in BIA, OJS supervised task forces.

RULES AND PROCEDURES

8-04-01 GENERAL INFORMAITON

- A. The Confidential Advanced Fund is essential to the function and success of the Office of Justice Services by providing funds for the purpose of:
 1. Making cash payments for information in connection with violations of the U.S. Federal Criminal Code, any Tribal Criminal Codes, any State Criminal Codes, and any other laws enforced, by the Bureau of Indian Affairs, Office of Justice Services.
 2. Making cash payments for the purchase of evidence in connection with violations of the U.S. Federal Criminal Code, any Tribal Criminal Codes, any State Criminal Codes, and any other laws enforced, by the Bureau of Indian Affairs, Office of Justice Services.
 3. Utilizing confidential advanced funds to pay for miscellaneous expenses incurred during undercover investigations.
 4. Assisting Victim/Witness Specialists in placement of victims, witnesses and others in need of emergency placement where time may be of the essence for the safety of the victim/witness. These funds should allow a certain amount of flexibility while working with potential witnesses to ensure their well-being and peace of mind, concerning their fear or concern (real or perceived) as they participate in any activities related to an ongoing investigation.
- B. Funds are advanced for the above-stated purpose and operate as revolving funds under the guidelines and, policies and procedures of the U.S. Treasury Department.
- C. Refer to the Drug Enforcement Division SOP for further information.



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9-01 JURISDICTION

POLICY

The Bureau of Indian Affairs, Office of Justice Services, is responsible for providing day-to-day patrol and investigative services to the community defined by statute and generally referred to as “Indian country”.

RULES AND PROCEDURES

9-01-01 JURISDICTION IN INDIAN COUNTRY

- A. Criminal jurisdiction in “Indian country” (18 U.S.C. § 1151) is based on an allocation of authority among federal, state and tribal courts. Although federal criminal law in Indian country is briefly set forth in 18 U.S.C. §1151-1165, allocation of authority in particular cases depends in general on three factors: subject matter, locus, and person.
 1. The Special Agent in Charge will list the telephone number for the U.S. Attorney for their District.
 2. Prosecutorial Memorandum of Understanding (MOU) or Agreement (MOA). The Special Agent in Charge will have available the MOA/MOU with the local U.S. Attorney and Local Prosecutorial Guidelines.
- B. Field Solicitor Contacts.

Because the specific situation regarding the status of lands, which were opened to settlement, is very complex, contact should be initiated with the Field Solicitor of the Department of the Interior at the initiation of cases that may trigger this jurisdictional issue. The Special Agent in Charge will maintain information used to contact the appropriate Field Solicitor.
- C. Map of Jurisdictional Boundaries.

The Special Agent in Charge will maintain a detailed official map of the boundaries of the reservation and off-reservation allotments on which the law enforcement agency has jurisdiction.



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D. Jurisdiction (18 U.S.C. § 1152).

18 U.S.C. § 1152 extends to Indian country the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States (except the District of Columbia). This section applies to offenses committed in Indian country by a non-Indian against the person or property of a tribal Indian, and vice versa. However, there is a broad exception to this rule, which does not extend 18 U.S.C. § 1152 to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

E. Jurisdiction (18 U.S.C. § 1153).

18 U.S.C. § 1153 grants exclusive jurisdiction to federal courts over Indians who commit any of the listed offenses, regardless of whether the victim is also an Indian. These are primarily felony offenses.

1. Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109 A (of Title 18, Part 1, Chapter 53), incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, is subject to the same law and penalties as all other persons committing any of the above offenses within the exclusive jurisdiction of the United States.
2. Any offense referred to above that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States is defined and punished in accordance with the laws of the State in which the offense was committed and which were in force at the time of the offense.

F. Limitations of Jurisdiction.

The Special Agent in Charge is responsible for each agency and will clarify the nature and limitations of its jurisdiction in relation to the overlapping jurisdiction of any other law enforcement agency, including, but not limited to, any separate BIA or tribal criminal investigations program, the state, and the Federal Bureau of Investigation. Each agency will list the name of agencies with overlapping jurisdictions, along with the limitations to jurisdiction, address, and telephone contact information.

G. Legal Basis of Federal Jurisdiction to Enforce Tribal Law.

The Indian Law Enforcement Reform Act establishes the framework for federal enforcement of tribal law.



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H. Jurisdiction to Enforce State Law.

Federal officers have the duty and responsibility to maintain law and order on Indian reservations and lands.

1. Preserving order or investigating crime incident to this responsibility often requires that officers assist in maintaining the State law with respect to non-Indians who may be violating or may have violated State law.
2. Officers are often required to apprehend persons or to investigate matters on reservations concerning Indians or non-Indians who have violated State law outside of Indian reservations.
3. Officers may be required to recover stolen or contraband property or to obtain evidence involved in violations of the State law, which occur on or off the reservation.
4. When it is necessary to preserve order, prevent and investigate crime, or to apprehend criminal offenders, officers may take the action necessary or cooperate with State officers when events overlap Federal and State jurisdictional lines to the extent necessary. Apprehension and delivery of Indian prisoners must follow locally applicable rules. To facilitate this cooperative action, officers will hold joint commissions as deputy sheriffs or will be certified as State peace officers whenever possible.

9-01-02 RESOLUTION OF JURISDICTIONAL QUESTIONS

- A. If an officer is uncertain about jurisdiction as it relates to a specific case or incident, he/she will contact the on-duty supervisor.
- B. If the supervisor is uncertain, he/she will contact the U.S. Attorney for the region.
- C. The U.S. Attorney is responsible for resolution of the jurisdictional issue.



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9-02 MUTUAL AID AND EMERGENCY ASSISTANCE

POLICY

The OJS may enter into Memorandums of Agreement, Memorandums of Understanding, and Mutual Aid Agreements with other federal, state, local, and tribal agencies to provide the most efficient and effective law enforcement services to the residents of Indian country.

RULES AND PROCEDURES

9-02-01 REQUESTING ASSISTANCE WITHIN THE DEPARTMENT OF INTERIOR

- A. The Deputy Bureau Director, OJS, may orally request assistance from another Department, Bureau, or Office.
- B. The Deputy Bureau Director, OJS, will substantiate the request in the form of a memorandum.
- C. The Deputy Bureau Director will forward a copy of the memorandum to the Central Office, Office of Managing Risk and Public Safety (OMRPS).
- D. Throughout the incident, the Special Agent in Charge will provide relevant information to the OMRPS.
- E. At the termination of the emergency, the Deputy Bureau Director, OJS, or designee will critique the incident, including but not limited to the assistance required.
- F. The Deputy Bureau Director in Charge, OJS, or designee will draft a report of the critique, including recommendations for changes, if any, to the affected agency and the OMRPS.

9-02-02 REQUESTING ASSISTANCE OUTSIDE THE DEPARTMENT OF THE INTERIOR

- A. All requests for assistance will be coordinated with the OMRPS.
- B. When circumstances require and if time permits, the OMRPS will:
 1. Alert the appropriate agency that a situation may require their assistance,
 2. Establish liaison with the appropriate agency,
 3. Coordinate all requests for assistance from the field through the appropriate law enforcement administrators, and
 4. Establish proper lines of communication to ensure that all pertinent information regarding the situation is received and properly disseminated on a day-to-day basis.



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C. The Deputy Bureau Director, OJS, will:

1. Assure that local agencies are cooperating with the U.S. Attorney in their areas to affect a planned law enforcement response in the event of a civil or public disturbance in Indian country,
2. Assure that the local U.S. Marshal's Service is alerted to present and/or potential civil disturbance activities that may create a need for their assistance,
3. Develop a line of communication from Bureau programs through Regional Offices to the Office of Justice Services, and
4. Establish procedures to secure the services of all local forces available and capable of providing support services, including state, local and tribal law enforcement agencies.

D. Memorandum of Agreement (MOA) between DOI and U.S. Marshals Service.

There is a Memorandum of Agreement between the Department of the Interior and the U.S. Marshals Service regarding the use of the Marshals Service in the event of major civil or other public disturbance.

E. Local Mutual Aid and Assistance.

Each agency Chief of Police will identify for each nearby law enforcement by name and title, the person to be contacted in the event of an emergency, which requires immediate response from nearby law enforcement agencies.

F. Local Mutual Aid Agreements.

In advance of need, the chief of Police and Special Agent in Charge will develop written plans for mutual aid and assistance between the agency and any state, local, of tribal law enforcement agency from which he/she would request mutual aid on an emergency basis. The written plan will address at a minimum:

1. A statement clarifying any jurisdictional issues,
2. The powers granted to the responding agency, if its officers do not have special law enforcement commissions,
3. A list of radio frequencies,
4. Names and telephone numbers of key management, law enforcement and support personnel,
5. Location of primary and secondary command posts, and
6. Telephone numbers for important public safety and emergency resources, including, but not limited to,
 - a. Hospitals and clinics,
 - b. Emergency medical services,
 - c. Fire responders, and
 - d. Other state, local, and tribal law enforcement agencies.
7. A description of the type of event requiring possible mutual aid.



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G. Review and Approval of MOA's, MOU's, and Mutual Aid Agreements

1. All OJS District/Agency MOA's, MOU's and MAA's will be reviewed and approved by the Deputy Bureau Director, OJS, or his designee, before being initiated.
2. Copies of all MOA's, MOU's and MAA's will be kept on file at the OJS Central Office and the affected District Office.

H. Restrictions on the Use of Military Forces.

18 U.S.C. § 1385 (the Posse Comitatus Act) restricts the use of military forces for the enforcement of civil law only under the authority of the President. Therefore, emergency plans will not provide for the use of military units to enforce civil law. However, this does not preclude their use for non-law enforcement duties, such as transportation and logistics.

9-02-03

EMERGENCY REPROGRAMMING AUTHORITY

- A. Under the direction of the Department of the Interior and within the restrictions established by law and Department and Bureau regulation, the Bureau of Indian Affairs has the authority to reprogram existing funds to deal with the unbudgeted costs of law enforcement emergencies. Since use of this authority results in the reprogrammed funds not being available for their original purposes, the reprogramming authority may be used only in response to emergency and other unforeseen law enforcement incidents.
- B. Guidelines for Potential Emergency Funding.
The BIA uses its emergency law and order funding authority only in situations that clearly qualify under criteria established by law and the following guidelines:
 1. Incidents that are truly emergency in nature or that clearly result in an unforeseen increase in law enforcement activity levels,
 2. Incidents that pose a serious threat to public safety or the agency's resources, and
 3. Incidents that are clearly beyond the capabilities of the staff and budget of the agency and district involved.
- C. Non-qualification of Recurring Events.
Recurring events/incidents and events do not qualify for emergency law and order funding, because these activities are not unforeseen and funding to cover any law enforcement costs associated with these events should be programmed in advance by the agency and Central Office staff involved.



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- D. Requirement to Exhaust All Other Funding Alternatives and Consultation with OJS Deputy Bureau Director.
Before requesting authorization to establish an emergency law and order account to cover unbudgeted law enforcement costs related to an incident that otherwise might qualify for such funding, the affected Chief of Police and Special Agent in Charge will exhaust all other funding alternatives. These options include, where applicable, reducing BIA costs by obtaining assistance from cooperating Federal, State, local, and tribal agencies.
1. BIA agencies will consult with the Deputy Bureau Director, Office of Justice Services (OJS) prior to initiating any action.
 2. Tribal contract agencies will consult through the appropriate contracting officer.
 3. Any other programs (self-governance) will consult through the appropriate Area Office.
- E. Lack of Funding Does Not Preclude Prompt Emergency Law Enforcement Action.
When an unanticipated incident or situation occurs that requires prompt emergency law enforcement response and that does not allow time for prior submission of a written request for emergency law and order funding, the affected chief of Police and Special Agent in Charge will proceed with the level of response required to manage the incident effectively. If the incident is in fact an emergency, the most critical concern is a timely and appropriate response. The question of whether or not emergency law and order funding is available should have no bearing on the level of that response and may be resolved after the fact.
- F. Restrictions on Items Charged to an Approved Emergency Law and Order Account.
The following conditions and restrictions govern obligations that may be charged to an approved emergency law and order account:
1. The beginning of an incident or event is defined as the date on which planning to manage the incident is initiated; the end of an event is defined as the date on which conditions are restored to normal, including completion of necessary cleanup and repairs and return of assigned personnel to normal duty stations and assignments.
 2. Only certain unbudgeted direct costs attributable to the incident or event and incurred in the management of law enforcement operations may be charged. Authorized direct costs are limited to: overtime costs of law enforcement staff assigned to the incident and that of other personnel required to support law enforcement operations; overtime costs of personnel required to back-fill for staff assigned to the incident; travel and per diem; costs incurred to provide special communications; cleanup and repair costs, but only when the litter or damage is a direct result of the incident; purchase of supplies and materials required to manage law enforcement operations to replace materials that were expended on the incident; and purchase or rental of supplies and materials required to protect resources or to provide temporary public safety or sanitation facilities.



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3. The purchase of capitalized equipment is not authorized unless specific prior approval is obtained from the district Special Agent in Charge. If approved, all such equipment purchased becomes the property of the District Office.
4. Indirect or budgeted costs may not be charged.

G. Use of Existing Resources Prior to Requesting Emergency Funding.

OJS will use existing resources to their fullest extent before requesting outside assistance for major civil disturbances or other law enforcement unusual or special occurrences. If the Deputy Bureau Director, Office of Justice Services requests the emergency assistance of resources outside of the Department of the Interior, he will immediately notify the Central Office, Office of Managing Risk and Public Safety.

9-02-04 APPLICATION AND APPROVAL PROCESS FOR EMERGENCY FUNDING
(ANTICIPATED EVENT)

A. To obtain emergency law and order funding for an incident or event that is anticipated or scheduled in advance and that otherwise qualifies for such funding, the Chief of Police will submit the following documents to the Special Agent in Charge:

1. A completed Application for Emergency Law Enforcement Funding
2. A written plan for managing the incident
4. A written justification of the need for emergency funding

B. All justifications must include the estimated or actual beginning and ending dates for which funding is requested and an estimated total cost. If supported at the district level, the plan and justification, along with a cover memorandum from the Special Agent in Charge requesting emergency funding and certifying that all alternative funding sources have been exhausted, shall be forwarded to the Associate Director, OJS.

C. Final BIA approval of emergency law and order funding requests rests with the Deputy Director, OJS. This authorization will be granted only after the Associate Director for Law Enforcement Services has reviewed District Office submissions. Approval will not be provided based solely on a telephonic request.

D. Final approval of actual expenditures charged to an emergency law and order account will take place only after review of documentation.

9-02-05 APPLICATION AND APPROVAL PROCESS FOR EMERGENCY FUNDING
(UNANTICIPATED EVENT)

A. To obtain emergency law and order funding for an incident or event that is not anticipated, that occurs without the degree of advance notification necessary for preparation of a detailed incident management plan and that otherwise qualifies for such funding, the Chief of Police will submit the following documents to the Central Office East:



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A completed Application for Emergency Law Enforcement Funding
A written justification of the need for emergency funding

- B. If supported at the district level, the justification, along with a cover memorandum from the Special Agent in Charge requesting emergency funding and certifying that all alternative funding sources have been exhausted, shall be forwarded to the Central Office East, OJS, within 7 days of the incident.
- C. When an unanticipated incident or situation occurs that requires prompt emergency law enforcement response and that does not allow time for preparation of an Application of Emergency Law Enforcement Funding and justification, the affected Chief of Police, and Special Agent in Charge will obtain and apply the necessary resources to manage the incident effectively. If a request for emergency law and order funding is being considered, the Special Agent in Charge will notify the Central Office East, OJS promptly by telephone of the details of the incident and indicate that an emergency funding request may follow. To request emergency funding after the fact, the Special Agent in Charge and Central Office East will follow the procedures outlined in this section as soon as possible after the incident is resolved.
- D. Final BIA approval of emergency law and order funding requests rests with the Central Office East, OJS. This authorization is granted only after Central Office East, OJS, has reviewed district office submissions. Approval will not be provided based solely on a telephonic request.
- E. Final approval of actual expenditures charged to an emergency law and order account will take place only after review of documentation.

9-02-06 ACCOUNTING AND REPORTING FOR EMERGENCY FUNDING

- A. Once emergency law and order funding is authorized, Central Office staff will establish an individual account against which to charge all approved expenditures related to the incident.
 - 1. If assistance is provided from agencies within another district, that district office staff will also establish an account against which to charge all its expenditures.
 - 2. An incident that begins in one fiscal year and extends into another will be assigned two separate account numbers.
- B. The agency office staff experiencing the incident will assign a name or title to the incident; all district offices providing assistance will use the same incident name to facilitate consolidated reporting.
- C. Following an incident or event for which emergency law and order funding was approved, the Chief of Police and Special Agent in Charge of any project area that provided assistance will submit a report listing the actual costs incurred and submit it with supporting material to the Central Office. Required supporting material includes:



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1. An Incident Report that contains a narrative report of the incident.
 2. A list of the names of employees who worked overtime that was charged to the incident and the number of hours charged for each.
 3. Copies of purchase orders' impress fund vouchers, travel vouchers, and all other documents and receipts required to support expenditures charged to the account.
 4. A brief statement explaining the relationship of the expenditures to the incident or event.
- D. The Chief of Police and Special Agent in Charge are responsible for reviewing all costs charged to an emergency law and order account, whether the incident occurred within the agency jurisdiction or not, and recommending to the Central Office, OJS whether or not to approve the expenditures incurred.
- E. The chief of Police of an agency that provided assistance to another agency for an incident in which emergency law and order funding was approved will provide the information to the Special Agent in Charge of the district that experienced the incident, to avoid duplication in reporting.
- F. The Special Agent in Charge of a district that experienced an incident for which emergency law and order funding was approved, or that provided assistance for such an incident, will submit to the Central Office, OJS, an After Action Report consolidating all approved expenditures charged on an emergency basis. Copies of all reports and supporting documentation will be included. The Special Agent in Charge will also send a copy of the After Action Report to the Associate Director, OJS.
- G. The Associate Director, OJS, will review the After Action Reports to assure compliance with the provisions of this section. Inappropriate or unauthorized expenditures will not be approved and shall be borne by the district office or agency involved.



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9-06 COOPERATIVE AGREEMENTS

POLICY

OJS Agencies are authorized to enter into local and national cooperative agreements that are mutually beneficial to law enforcement, based on appropriate approval.

RULES AND PROCEDURES

9-06-01 DEVELOPING WRITTEN AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES

- A. Agreements provide for identified mutual benefits. They document what each agency is to give and receive under the agreement, even if only to recognize the mission of the other agency.
- B. Agreements at the agency level will be reviewed by the Agency Chief of Police, District Special Agent in Charge, and the Field Solicitor. Agreements on a national level will be reviewed by the Deputy Bureau Director, OJS, and the Solicitor's Office prior to approval by the Director of BIA.
- C. Agreements will be in effect for a specific period of time, not to exceed 5 years.
- D. Agreements will identify the circumstances under which the BIA vests authority in employees granted by other agencies, or in officers of other agencies.
- E. Agreements will be signed and dated by all parties to the agreement before becoming valid. Existing delegations of signature authority will be adhered to.
- F. A written agreement will also address the following areas of potential conflict or confusion:
 - 1. Who is in charge and when that person is in charge, for various types of law enforcement actions and criminal investigations.
 - 2. The procedures and channels of communication to be followed to activate response.
 - 3. The agency and job title of the official who has primary contact with the media and the type of incidents for which each agency will assume responsibility in dealing with the media.
 - 4. The exchange of investigative reports within policy and legal constraints.
 - 5. Requirement to adhere to specified policies.



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9-06-02 GRANT APPLICATIONS

- A. The Office of Justice Services encourages tribal programs to apply for grants which further the Office's mission and benefit law enforcement and related criminal justice activities.
- B. The Deputy Bureau Director, OJS, or designee may make available to individual tribal programs, copies of grant solicitations from various sources.



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9-07 RELATIONSHIPS AND LIAISONS WITH OTHER AGENCIES

POLICY

It is the policy of the OJS to maintain a harmonious working relationship with all federal, state, county, tribal, and local law enforcement agencies and criminal justice organizations.

RULES AND PROCEDURES

9-07-01 RELATIONSHIPS WITH OTHER CRIMINAL JUSTICE AGENCIES

- A. All law enforcement agency personnel will strive to maintain working relations and communication with the United States Attorney's Office, and other local, county, tribal, and state courts and respective court personnel to include, but not limited to, probation and parole officers, juvenile and adult detention personnel, and any other criminal justice agencies e.g., FBI, Postal Inspectors, etc. The agency normally provides all possible information, assistance, and support to these agencies allowed by law.
1. Any serious policy or procedural problems or differences with another agency or its personnel will be brought to the attention of the Special Agent in Charge, who will meet with appropriate personnel of these agencies in order to resolve the problems.
 2. During any investigation (or during planning for, arrest or pretrial stage), any questioning of law or criminal procedure will be addressed to the United States Attorney, Tribal Prosecutors, and their assistants. Questions concerning law enforcement procedure will be addressed by the Associate Director. Questions not resolved at the next higher level in the chain of command may ultimately be referred to the Associate Director, OJS, through the chain of command.
 3. Any criminal cases referred to the United States Attorney's Office resulting in a decision of "declined to prosecute" or "dismissed," due to law enforcement officer mishandling, will be carefully reviewed and appropriate corrective action taken. The United States Attorney's Office will bring such cases to the attention of the Special Agent in Charge.
- B. All employees will assist and cooperate with all federal, state, tribal, and local law enforcement agencies.



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9-07-02 DEVELOPMENT OF RESOURCE REFERRAL LIST

- A. The SAC or COP will review the governmental functions, programs, and resources available.
- B. The SAC or COP will maintain a brief listing of each agency, their address, and emergency and non-emergency telephone numbers for use by law enforcement personnel.
- C. If any of these organizations or services with which the law enforcement agency has frequent emergency contact maintains an emergency on-call schedule, the agency supervisor will ensure that an updated and current copy of this on-call list is maintained in an area to which law enforcement personnel have access.



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9-12 ADMINISTRATIVE REPORTING SYSTEM

POLICY:

OJS maintains an administrative reporting system to report organizational component activity to the Deputy Bureau Director, the command staff, and affected OJS personnel. This policy identifies the required administrative reports, persons responsible for preparing the reports, and the purpose, frequency, and distribution of the final reports.

RULES AND PROCEDURES:

9-12-01 REQUIREMENTS

- A. Each organizational component, as designated by the OJS Deputy Bureau Director, is required to submit the required information before the 10th of the month following the end of the indicated reporting period. Reports will be submitted through the chain of command to the individual(s) listed under the "Distribution" column.
- B. Certain units are required to submit reports with varying frequency to the Inspections Unit for Accreditation purposes (indicated below).
- C. With the implementation of the Incident Management Analysis and Reporting System (IMARS), some of the reports listed below may be in the DOI database.

The following is a list of Administrative Reports. These reports may be based on a calendar year, fiscal year, or other identified time period.

9-12-02 U. S. INDIAN POLICE ACADEMY

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Cadet Score Sheets	As required	Training Specialist	Director, IPA	Informational
Range Qualification	Semi-annually	Firearms Instructor	Director, IPA	ID's who has qualified
"Failure to Appear" for Qualification	As needed	Deputy Chief	Director, IPA	ID's officers who fail to attend training
Retraining Program	Annually	Director, IPA	Director, IPA	Annual in-service Training Program

9-12-03 INTERNAL AFFAIRS DIVISION

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Statistical summaries	Annually	Chief, IAD	Director, OJS	Provide IA Employees & public statistical data
Use of force Analysis	Annually	Chief, IAD	Director, OJS	Analysis
Analysis of Pursuits	Annually	Chief, IAD	Director, OJS	Analysis
Early Warning Report	As needed	Chief, IAD	Director, OJS	ID Personnel Problems
Citizen Complaint Analysis	Annually	Chief, IAD	Director, OJS	Provide Director with Complaint data



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9-12-04 FIELD OPERATIONS DIRECTORATE

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Analysis of Victim Witness needs	Tri-annually	Assoc. Dir. FOD	Director, OJS District SAC	Analysis
638 Contract Monitoring	Annually	Applicable District SAC	Assoc. Dir. FOD	Compliance
CAST Reviews	Periodic	Assoc. Dir. FOD	Agency COP, District SAC, Director, OJS	Compliance
Staff Inspection of each OJS Component	Tri-annually	Assoc. Dir. FOD	Chain of Command	Audit Information
Specific Audit (Evidence, Property)	Quarterly	Assoc. Dir. FOD	Chain of Command	Audit Information
Evidence Destruction	As needed	Assoc. Dir. FOD	Chain of Command	Documents Evidence Destruction
Unannounced Inspection of Property Storage areas	As needed	Assoc. Dir. FOD	Director, OJS	Integrity of Evidence storage areas
Special Audits	As requested by Director	Assoc. Dir. FOD	Affected personnel	Information Specific to Problem Area

A. Drug Enforcement Division

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Division Annual Report	Annually	Chief, DED	Director, OJS	Annual Report
Budget Requests	Annually	Chief, DED	Director, OJS	Identify financial needs
Firearms Qualification Report	Semi-annually	Designated Firearms Instructor	Director, OJS IPA Records	ID who has/has not qualified in Division

B. Corrections Division

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Division Annual Report	Annually	District Corrections	Director, OJS	Annual Report
Budget Requests	Annually	District Corrections	Director, OJS	Identify financial needs

C. Indian Highway Safety Program

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Program Annual Report	Annually	Chief, IHSP	Director, OJS	Annual Report
Budget Requests	Annually	Chief, IHSP	Director, OJS	Identify financial needs
Firearms Qualification Report	Semi-annually	Designated Firearms Instructor	Director, OJS	ID who has/has not qualified in Division



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D. District I-IX

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
District Annual Report	Annually	District SAC	Director, OJS Assoc. Dir., FOD	Annual Report
District Self Audits	Annually	District SAC	Assoc. Dir., FOD	Audit
Agency Self Audits	Annually	District SAC	Assoc. Dir., FOD Agency Chiefs.	Audit
In-Service Training	Annual	OJS Managers	OJS D. Director	Strategic Planning
After Action Reports	As needed per operation	Supervisors in charge of operation	Director, OJS	Activity Info
Specific Audit (Evidence, Property)	Annually	District SAC	Chain of Command	Audit Info
Firearms Qualification Report	Semi-annually	Designated Firearms Instructor	Director, OJS IPA Records SAC	ID who has/has not qualified in District
Pursuit Report/Review (from incident reports)	As needed	District SAC	Assoc. Dir., FOD Internal Affairs	Report pursuits
Use of Force Report (from incident reports)	As needed	District SAC	Assoc. Dir., FOD Internal Affairs	Report use of force

E. Criminal Investigations

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
UCR Report	Monthly	COP or SSA	Director, OJS	Crime data
Specific Audit (Evidence, Property)	Annually	COP or SSA	Chain of Command	Audit Information
Firearms Qualification Report	Semi-annually	Designated Firearms Instructor	Director, OJS District SAC	ID who has/has not qualified in Cr. Investigations
Use of Force Report (from incident reports)	As needed	COP or SSA	District SAC Internal Affairs	Report use of force



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F. Law Enforcement Agencies

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Shift Report	Daily	Lieutenant	Communications, Chief of Police	Work day roster
Agency Self Audit	Annually	COP or SSA	District SAC Agency Chiefs	Audit
Specific Audit (Evidence, Property)	Annually	Chief of Police	SAC	Audit Info
Firearms Qualification Report	Semi-annually	Designated Firearms Instructor	Director, OJS IPA Records District SAC	ID who has/has not qualified in Agency
Pursuit Report/Review (from incident reports)	As needed	COP and SSA	District SAC Internal Affairs	Report pursuits
Use of Force Report (from incident reports)	As needed	COP and SSA	District SAC Internal Affairs	Report use of force

G. Evidence Function

<u>Title</u>	<u>Frequency</u>	<u>Person Responsible</u>	<u>Distribution</u>	<u>Purpose</u>
Evidence Analysis	Per Request	Agency Evidence Custodian	For Case Report	Details Results of analysis
Evidence Inspection	Semi-annually	Evidence Custodian	Chain of Command	Adherence to procedures
Property Inventory	As needed	New/Old Evidence Custodian & Inspector	District SAC Inspections Unit	Change in custodian



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9-12-05 ADDITIONAL GUIDELINES FOR SPECIFIC TYPES OF REPORTS

Agency Annual Report

The agency Chief of Police will submit a written *Agency Annual Report (9-12-A)* to the Deputy Bureau Director, Office of Justice Services, through the District SAC and, if a tribal agency, through the contracting officer. The District SAC will submit the Annual Report, to the Deputy Bureau Director, Office of Justice Services by the end of the fiscal year. The report will outline all accomplishments of the preceding year, as well as projected needs for the coming fiscal year.

1. The Annual Report will include at a minimum the following elements: a summary of events, agency goal attainment, and statistical and fiscal information for the preceding year. The report is used to establish goals for the following year and serves as a means of documenting agency resource needs. The district SAC will attach the necessary documentation.
2. After final internal review, the District SAC will submit the Annual Report to the Associate Director, Field Operations Directorate for review and approval, prior to submission to the Deputy Bureau Director.



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9-15 POLICE-MEDIA RELATIONS AND PUBLIC INFORMATION

POLICY

OJS will cooperate fully and impartially with authorized news media representatives in their efforts to gather factual public information as long as the efforts do not interfere with departmental operations, infringe upon individual rights, or violate the law.

RULES AND PROCEDURES

9-15-01 MEDIA RELATIONS

A. Public Information Officer.

Each Law Enforcement Agency Chief of Police will identify a Public Information Officer who is authorized to release information to the media. The designated PIO will be provided with IPA approved training on the position duties and responsibilities. Duties of the PIO include, but are not limited to:

1. assisting news personnel in covering news stories at the scenes of accidents;
2. being available for on-call responses to the news media;
3. preparing and distributing agency news releases;
4. arranging for, and assisting at news conferences;
5. coordinating and authorizing the release of information about victims, witnesses, and suspects;
6. assisting in crisis situations within the agency;
7. coordinating and authorizing the release of information concerning confidential agency investigations and operations; and
8. developing procedures for the release of information when other public service agencies are involved in a mutual effort.

B. When events occur of significant newsworthiness, the Chief of Police or designated agency PIO will confer with the DOJ Public Information Officer in Washington, D.C. to coordinate information to be released to the media and in press releases.

C. Media Rules.

1. Relationships between the news media and the law enforcement agency will be professional and courteous.
2. The law enforcement agency will take all necessary steps to ensure prompt and impartial disclosure of information in all crimes or incidents of importance or interest to the press, except in cases:
 - a. When such disclosure would prejudice the outcome of an investigation or court proceeding
 - b. When such disclosure is prohibited by law
 - c. When such disclosure would prejudice the safety, rights or privileges of persons identified in investigations; or
 - d. When such disclosure would be likely to cause public hysteria or panic.



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- D. The District Special Agent in Charge or designated Public Information Officer will be available at reasonable times, to assist the news media in locating reports and to answer questions after consultation with legal counsel, if appropriate or necessary.
- E. The following rules cover photographs:
1. Arrestees or Defendants.
Officers neither encourage nor prevent the photographing of arrestees or defendants in public places; however, in no case is the “posing” of the individual permitted.
 2. Wanted Persons.
Photographs of wanted persons may be issued for the purpose of requesting public assistance in a suspect's apprehension. These photographs will be released only with authorization of a supervisor. When law enforcement photographs are released, identifying numbers and other data will be removed.
 3. Incident Scenes.
Members of the news media may be permitted to photograph incident scenes if their actions do not interfere with the emergency processes being performed or the performance of law enforcement duties and only as permitted by the law enforcement officer in charge of the scene.
 4. Office of Law Enforcement Facilities.
Media representatives may be allowed to photograph areas inside law enforcement agency facilities subject to restrictions set forth by the District Special Agent in Charge.

9-15-02 NEWS MEDIA ACCESS

- A. Authorization to any crime scene or situation by the news media is dependent upon the decision of the on-scene lead investigator and possession of new media credentials.
- B. Police lines are established to prevent unauthorized persons from entering the area of a serious incident or crime scene. Dependent upon the tactical situation and likelihood of jeopardizing police operations, members of the news media may be permitted to enter such areas.
- C. The on-scene investigator may bar from the scene any media representative who is disruptive to law enforcement purposes.
- D. The news media does not have authority to be within a crime scene or area that has been secured to preserve evidence, or where their presence may jeopardize police operations.
- E. If a long-term investigation is involved, the on-scene investigator may give a “guided tour” of the scene to news media personnel.



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- F. News media representatives should be placed in a position so that they can readily gather information and take pictures without compromising the investigation. The evidence gathering area will be restricted at the discretion of the lead investigator.
- G. Photographing, filming, or videotaping on private property is prohibited unless the owner or legally authorized occupant is present and provides specific verbal or written consent. The owner or authorized occupant will be afforded the opportunity to deny entry to the media.
- H. Law enforcement employees will alert news media personnel to any potential hazards at the scene of an incident.

9-15-03 NEWS MEDIA CREDENTIALS

- A. Once personnel of the news media have been identified as bona fide representatives of a public news service (i.e., newspaper, magazine, radio, television, or wire service), law enforcement employees will cooperate with them to the extent appropriate within the rules set forth above.
- B. Law enforcement officers may recognize the following credentials (press passes) as proper news media identification:
 - 1. Press passes issued by a recognized news gathering agency.
 - 2. Press passes issued by another law enforcement agency.
 - 3. Press passes issued by the OJS law enforcement district or agency.
- C. Law enforcement personnel who question the validity of any press credentials will refer the holder of those credentials to the District Special Agent in Charge, Agency Supervisor, or designated Public Information Officer.
- D. Any law enforcement officer may deny access to an on-scene investigation or access to reports if it is determined that the media representative has misused press credentials.

9-15-04 COORDINATION OF RELEASE OF INFORMATION

- A. The District Special Agent in Charge, Agency Supervisor, or designated Public Information Officer is responsible for news media and law enforcement coordination during regular work hours or when called out to the scene of an incident.
- B. News releases that would include information on the activities of other governmental agencies are not given without prior coordination with the concerned agency.



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- C. Any official news release from any agency will be coordinated through the District Special Agent in Charge, Agency Supervisor, or designated Public Information Officer. Responses to press inquiries and the dissemination of information about day-to-day activities are not press releases.
- D. Questions from members of the news media relating to matters of OJS policy; internal matters, operations, etc. will be directed to the District Special Agent in Charge.
- E. Periodically, programs, projects, or general stories are developed internally that would be beneficial to the community. In these instances, officers will request, through the chain of command, that the Public Information Officer make the appropriate arrangements for dissemination. The release of this information will be done in an equitable, impartial manner.

9-15-05 INFORMATION THAT MAY BE RELEASED

- A. The District Special Agent in Charge, Agency Supervisor, or designated Public Information Officer is responsible for the release of information to the news media. If none of these individuals is on the scene, the lead investigator will provide the information. Information which is not legally privileged, will not prejudice the rights of the subject, or interfere with an investigation may be released. However, the scope and content of the information released must be determined according to the facts of each situation. The lead investigator and his superior, in consultation with the OJS Public Information Officer on the scene, make this determination.
- B. Whether to release information or grant interviews to the news media or members of the public will be determined according to the facts of the case.

9-15-06 INFORMATION THAT SHOULD NOT BE RELEASED

- A. Any information that could lead to the exact location of a sex offense.
- B. Any information that could lead to the identity of a victim of a sex offense.
- C. Any information that could lead to the identity of a victim of a lewd, lascivious, or indecent assault on a child.
- D. Statements made by a subject after arrest.
- E. Name, address, or photograph of a juvenile taken into custody, unless authorized by the appropriate State or Federal court.
- F. Testimony presented to a Grand Jury.
- G. OJS confidential information.



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- H. Any information that could lead to the identification of an informant.
- I. The prior criminal record (including arrests, indictments, or other charges of crime) of a suspect or defendant.
- J. The character or reputation of a suspect or defendant.
- K. The opinion of the officer on the guilt of the defendant, the merits of the case, or the merits of the evidence in the case.
- L. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make a statement.
- M. The performance of any examinations or tests, or the accused refusal or failure to submit to an examination or test, or the identity or nature of physical evidence expected to be presented.
- N. The identity, expected testimony, criminal record, or credibility of prospective witnesses.
- O. The possibility of a plea of guilty to the offense charged, or other disposition.
- P. Information the officer knows or has reason to know would be inadmissible as evidence in a trial.

9-15-07 RESPONSIBILITY TO PROVIDE INFORMATION

- A. When a request is made for information concerning a police matter, employees must decide if they are in possession of sufficient facts and are qualified to respond, as well as whether the person making the request is the appropriate person to receive the information.
- B. Employees must avoid representing as fact their personal opinion. All requests for information should be referred to the appropriate OJS spokesperson identified in this directive.



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9-15-08 DISSEMINATION OF EMERGENCY INFORMATION

- A. The District Special Agent in Charge or designee will develop a plan for the dissemination of information to the public in the event of a public safety emergency or a situation in which urgent public safety information needs to be made available to the public.
- B. The plan will include:
 - 1. Names, and telephone contacts of local print and broadcast media,
 - 2. The emergency broadcast equipment that may be available in the area through other resources such as a communications center,
 - 3. Equipment, such as loud speakers, its location, and how it can be obtained,
 - 4. Who drafts, reviews, and approves emergency releases to the media,
 - 5. How “house to house” notifications are authorized and carried out, including provisions for emergency call in of personnel.
- C. If a situation arises when a law enforcement employee believes that the public must be notified of a public safety emergency, he/she will contact an on-duty supervisor so that the plan can be implemented.
- D. The on-duty supervisor of the Agency or District at the time the emergency is occurring is responsible for carrying out the written plan.
- E. If associated with a law enforcement incident, the District Special Agent in Charge will include the dissemination of emergency information as a topic in the debriefing.
- F. The District Special Agent in Charge will determine if the plan requires modification, and if so, will revise the plan to correspond to the information identified in the debriefing.
- G. Each District Emergency Information Plan must be updated and reviewed by July 1 of each year.



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9-20 LEGAL ASSISTANCE

POLICY

OJS policy is to provide legal assistance to employees when civil actions are brought against them as the result of performing their assigned duties.

RULES AND PROCEDURES

9-20-01 GENERAL INFORMATION

A. Legal Assistance in Civil Actions Resulting from Performance of Duty.

The Special Agent in Charge or Chief of Police will ensure that legal assistance is available to all personnel to protect their rights in civil actions that may result from the performance of their assigned duties. Staff may use counsel only in actions resulting from their official duties as employees. In any other breach of conduct or any breach outside the scope of employment, the staff member has no official recourse to utilize the agency's legal counsel.

B. Potential Resources.

Resources for personnel requiring legal assistance include:

1. Tribal Prosecutor's Office.
2. Department of the Interior Solicitor's Office.
3. Department of Justice, Attorney General's Office.

C. Tort Claims Act.

All law enforcement officers who operate under a federal commission, including a special law enforcement commission, are covered under the provisions of the Tort Claims Act (25 U.S.C. 2804 and 25 U.S.C. 4504).

D. Identification of Legal Counsel.

Each supervisor will determine and advise their personnel of the name and telephone number of their designated legal counsel.

9-20-02 DEVELOPMENT OF A REFERRAL PROCESS

A. If staff members need legal assistance, with the assistance of their immediate supervisor, they will submit a formal request to the Special Agent in Charge or his designee to contact legal counsel.

B. The Special Agent in Charge or his designee will review and approve the request for legal counsel.



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- C. If legal assistance is approved for staff members, the Special Agent in Charge will advise them that the use of legal counsel has been authorized and notify his supervisor of the circumstances, individuals involved, and reasons for granting legal assistance.
- D. Once the legal assistance has been approved, staff members will meet with the agency's legal counsel, who will then consult with the Special Agent in Charge to determine if further assistance is warranted.
- E. If further assistance is required, the legal counsel will advise the Special Agent in Charge, his supervisor, and all other concerned parties of all actions taken to keep them informed.
- F. If legal assistance is not deemed appropriate by legal counsel, staff members have no further right to use legal resources. If staff members still desire legal representation, it will be at the staff members' expense.
- G. No staff member can utilize the legal assistance program to bring personal suit or action against the agency itself.
- H. All legal assistance requested, approved or denied, and their resulting actions, will be documented by the Special Agent in Charge, or his designee, in the District Annual Report that is submitted to the Deputy Bureau Director, OJS.



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9-21 CIVIL LITIGATION

POLICY

OJS regularly provides training regarding legal updates and new procedures addressing high-risk activities in order to minimize civil litigation against the organization and its employees.

RULES AND PROCEDURES

9-21-01 GENERAL INFORMATION

A. Civil Litigation Guidelines.

This section provides employees with guidelines for responding to those types of law enforcement activity that represent a potentially high risk of civil liability in a manner that will decrease this risk level. All law enforcement personnel are expected to regularly review agency policies and procedures related to high risk activities.

B. Compliance with Discovery Requests and Subpoenas.

All agencies will comply with discovery requests and subpoenas for internal records as advised by the agency's legal counsel on or before the due date.

9-21-02 RESPONSIBILITIES OF THE SPECIAL AGENT IN CHARGE.

A. The Special Agent in Charge or designee will:

1. Coordinate all agency responses to litigation in conjunction with the agency's legal counsel.
2. Establish an accounting process to ensure that:
 - a. All documents are routed to the appropriate unit for resolution.
 - b. All documents are processed and fulfilled by the due date.
 - c. A record is kept detailing the information released in each case, and for what purpose.
- B. Undertake a regular audit of the agency's law enforcement litigation to determine whether a need for policy revision or training exists. The audit will include settlements and allegations filed or resolved during the period to be reviewed.



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9-21-03 RESPONSIBILITIES OF LAW ENFORCEMENT EMPLOYEES

- A. Any law enforcement employee receiving a subpoena to testify as to actions undertaken in his official capacity will immediately notify the Chief of Police and the District Special Agent in Charge and the law enforcement agency's legal counsel of such subpoena, through the chain of command.
- B. Any law enforcement employee named as a party in a civil action for acts or omissions allegedly arising out of the scope of his official duties will immediately notify the District Special Agent in Charge, through the chain of command and the jurisdiction's legal counsel.
 - 1. The employee will advise the District Special Agent in Charge and the agency's legal counsel if the employee will also retain private counsel.
 - 2. The employee has a duty to cooperate fully with the agency's legal representative.
- C. All law enforcement employees will maintain accurate and detailed reports at all times.
- D. No law enforcement employee will make public statements in his official capacity concerning litigation affecting the law enforcement agency without the District Special Agent in Charge's approval.

9-21-04 RESPONSE TO SUBPOENAS AND DISCOVERY REQUESTS

- A. All discovery requests or subpoenas for law enforcement agency records, reports or notes will be complied with as directed by the agency's legal counsel and in accordance with federal, State, or tribal law.
- B. The following information is generally subject to release to a judge for in camera inspection to determine discoverability:
 - 1. Personnel records,
 - 2. Citizen complaints,
 - 3. Internal investigatory files of an incident that is currently the subject of criminal or civil litigation,
 - 4. Blanket requests for all internal investigations into officer misconduct, or misconduct similar to that being litigated, and
 - 5. Blanket requests for internal investigations into all past misconduct of officers currently the subject of litigation.
- C. The following information may or may not be fully discoverable:
 - 1. Records of official review boards,
 - 2. Law enforcement agency policies and procedures,



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3. Training records i.e., personal information such as scores would be released only for in camera inspection, but factual information, such as class lists is releasable, and
 4. Internal memos that do not fall within the attorney work product privilege.
- D. Privileged material generally not subject to discovery includes:
1. Names of confidential informants, citizens who wish to remain anonymous.
 2. Exculpatory statements made by officers, unless made pursuant to a voluntary waiver of rights.
 3. Records of ongoing internal investigations that would be jeopardized by disclosure.
 4. Investigative files relating to ongoing criminal investigations.
- E. Communications subject to any legal privilege.



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9-31 OJS RETIRED LAW ENFORCEMENT/CORRECTIONS OFFICER IDENTIFICATION CARD

POLICY

The Bureau of Indian Affairs Office of Justice Services Retirement Badge and Identification Card process will be standardized for all eligible personnel that have retired or will retire as a Law Enforcement/Corrections Officer in order to provide retirement badges and identification cards to eligible retired/retiring law enforcement officers.

DEFINITIONS

- A. Law Enforcement Officer (LEO): A BIA Law Enforcement Officer sworn and commissioned to enforce criminal statutes and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform such duties authorized by law.
- B. Identification Card/Badge: BIA OJS upper and lower laminated cards with official photographic identification of the retiree clearly displaying RETIRED upon the identification card, with a badge marked RETIRED. The badge shall be numbered for accounting purposes.
- C. The Act: Law Enforcement Officers Safety Act of 2004 (the “Act”) Pub. L. No. 108-277, 118 Stat.865 (2004), 18 U.S.C. §§926B and 926C.

RULES AND PROCEDURES

9-31-01 GENERAL

- A. Covered personnel include BIA Law Enforcement Personnel in the series of 1811-Criminal Investigator, 0083-Police Officer, and 0007/0006- Corrections Officer.
- B. Rules cited in this policy are contained in 25 CFR chapter 30.

9-31-02 RETIREMENT CREDENTIAL PARAMETERS

- A. A retired identification card will be issued as a memento to a qualified retired LEO in recognition of their service to the BIA. However, the I.D. card may serve as the photographic identification only which is specified in “The Act” under 18 U.S.C. § 926C (d) (2) (A).
- B. Language on the identification card will be consistent with BIA authority but will not reflect the requirements of “The ACT”.
- C. The verbiage will have the following text upon the I.D. card: “Retirement in good standing with BIA OJS as a Special Agent/Corrections Officer/Police Officer. This Identification Card alone does not authorize the bearer to carry a firearm. Bearer is commended as being worthy of trust and confidence”.



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- D. The Identification card will at a minimum contain the following:
1. The legal name of the retired LEO/CO;
 2. A photographic image of the retired LEO/CO;
 3. BIA OJS and/or BIA Seal;
 4. Hologram or seal of Department of Interior;
 5. An identification number traceable to the bearer; and
 6. Language that clearly identifies the individual as retired and the position the retiree held.
- E. The Retiree will turn-in any previous Retirement credential that was issued to him/her by BIA OLES/OJS.
- F. Retired law enforcement officers may request an authorization endorsement on their Identification Card to carry a concealed firearm pursuant to the Law Enforcement Officers Safety Act (LEOSA) of 2004 and its amendments in 2010 and 2013. The officer must meet all the requirements set forth in this law including qualification no less than annually. Corrections officers are not eligible for this provision.

9-31-03 APPLICATION PROCESS

- A. The Retiree must prepare and submit a complete application package to BIA OJS Central Office in Washington D.C. The application must contain original signatures. The Complete application package consists of the following items:
1. Signed Conditions of Use
 2. Attestation
 3. Copy of OPM form 50 indicating retirement status and date of retirement.
 4. An acceptable color photograph as described below.
- B. The retiree must obtain and provide Central Office with a color photograph of them of passport or portrait quality. Or, their photo can be taken with a digital camera with a resolution of at least 300 Dots per inch (DPI) but can range up to 480 DPI, maximum. Typically, these resolutions are provided with the subject being three feet from the camera. The photo will be full frontal, that is, the subject is directly facing the camera lens, with the face centered vertically and horizontally. Frame male subjects from the top of the head to no lower than the points of the collar. Frame female subjects from the top of the head to no lower than the neckline. The preferred digital file format is “jpg”. The background should preferably be light blue in a size matching official OJS active duty credentials.
- C. The applicant will mail the completed package to:

BUREAU OF INDIAN AFFAIRS OFFICE OF JUSTICE SERVICES
1849 C. Street. NW. MIB. MS:4551
Washington, D.C. 20240



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- D. Once the complete application is received (incomplete applications will not be accepted), the Washington Office will review the package and conduct internal checks with the BIA/OJS Internal Affairs office including the applicant's supervisor reviews for determining the applicant's eligibility to receive an identification card. If the retiree is eligible to receive an identification card, the Washington Office will mail a letter to the retiree with instructions on where to report for verification of identity.
- E. At the time of issuance, a receipt of property will be issued to the Retiree and a copy will be sent to the Washington Office for placement in the retiree's credential file.
- F. If the retiree is determined to be ineligible to receive an identification card, the Washington Office will mail a letter to the applicant indicating such. If the applicant believes the determination was made in error, the applicant may submit a letter to the Washington Office explaining why they should be reconsidered.

9-31-04 APPEAL PROCESS

- A. If a retiree receives a denial of their retirement identification card request, they will have thirty calendar days to request a review of their denial. The retiree will have to provide an appeal package to the Deputy Director, OJS, at the address listed. In the package the retiree will have to provide documents addressing the reason for an appeal. Depending upon the reason(s) for denial of their application, the retiree will have to provide official documentation at their expense for review (i.e. Physician's Letter, Tribal Court Disposition, Social Service Reports, etc.).
- B. After a review is made by the Deputy Director, OJS, a letter will be sent to the Retiree notifying him/her of the action made regarding their appeal. No other recourse is available.



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CONDITIONS FOR USE OF RETIRED BIA LAW ENFORCEMENT OFFICER/CORRECTION OFFICER IDENTIFICATION CARD

By initialing beneath each condition and signing at the end of this document the bearer acknowledges his/her understanding of, and agreement with, all the terms and conditions stated herein:

1. This identification card is issued by BIA OJS solely for identifying the bearer as a Retired Law Enforcement/Corrections Officer.

Initials

2. The issuance or possession of this identification does not confer law enforcement status or arrest powers upon the bearer and, therefore, does not authorize the bearer to engage in or participate in any law enforcement activities or investigations.

Initials

3. The issuance or possession of this identification card does not authorize the bearer to carry or transport a firearm unless properly endorsed pursuant to the Law Enforcement Officers Safety Act (LEOSA of 2004 and subsequent amendments in 2010 and 2013).

Initials

4. The issuance or possession of this identification card does not authorize the bearer to travel aboard a commercial aircraft while armed.

Initials

5. The issuance or possession of this identification card does not authorize the bearer to represent BIA OJS in any manner.

Initials

6. The issuance or possession of this identification card does not grant or authorize the bearer access to any BIA OJS property or facilities.

Initials

7. Bearer agrees not to relinquish possession of, distribute, or lend this identification card/badge to any third party.

Initials

8. Bearer agrees not to alter, duplicate, copy, or reproduce this identification card in any manner.

Initials



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9. Bearer agrees not to use this identification card to commit an act or participate in an activity that is unlawful, illegal, or in any manner which could be misinterpreted or misunderstood to the detriment of the BIA OJS.

Initials

10. Bearer agrees not to use this identification card to seek benefits or entitlements only available to active law enforcement/correction officers.

Initials

11. Bearer agrees to immediately report the loss or theft of this identification card to BIA OJS.

Initials

12. Bearer acknowledge that this identification card is and remains the property of the United States government and agrees to affirmatively relinquish the identification card and badge for any violation of the above-listed conditions, or at the BIA OJS request, for any reason deemed appropriate by BIA OJS.

Initials

Name of applicant (please print): _____ **Date:** _____

Signature of Applicant _____ **Date:** _____

Approving authority (print) _____ Date: _____

Signature of authority: _____ Date: _____



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 OJS Form # 9-31-B

Revised:

Bureau of Indian Affairs Office of Justice Services
Federal Law Enforcement Officer's Retirement Identification Application

Part 1 - Applicant Information (Part 1 should be completed by the Applicant)

Name (Last, First, MI)		Social Security Number	Date of Birth (mm/dd/yyyy)
Home mailing address (No P.O. Boxes)			
City	State	Zip Code	Home Phone
Cell Phone	Business Phone		Fax Number
Current Position Title	Retirement Date	Last Post of Duty	
Date of Last Qualification (attach copy of certification if applicable)		State in which certification was received (if applicable)	

I, the Applicant, confirm that the information is accurate to the best of my knowledge. I agree to abide by all rules and responsibilities associated with this credential.

Applicant Signature	Date Signed
---------------------	-------------

Part 2 - Identity Verification

Identification number one	ID Type/Title	ID Number	Expiration Date
Identification number two	ID Type/Title	ID Number	Expiration Date

I certify that the above information is accurate to the best of my knowledge.

Name	Title	Date
Signature	Date Verified	

Part 3 - Approved (to be completed by BIA OJS CO)

Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Approving Official Name	
Approving Official Signature	Date Signed
Pocket Commission Number	Date Issued



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ATTESTATION

I hereby attest that, to the best of my knowledge, I am not prohibited by Federal law from purchasing, receiving, or carrying a firearm. In so attesting, I understand that Title 18 of the United States Code prohibits the following persons from purchasing, receiving, or carrying a firearm.

1. Those under indictment for or convicted of a crime punishable by imprisonment for a term exceeding one year;
2. fugitives from justice;
3. unlawful users and/or addicts of any controlled substances;
4. those adjudicated as mentally defective or who have been involuntarily committed to a mental institution or otherwise judged incompetent to handle their own affairs;
5. illegal aliens or aliens admitted to the United States under a nonimmigrant visa;
6. those dishonorably discharged from the U.S. Armed Forces;
7. those who have renounced their U.S. citizenship;
8. subjects of a protective order; and
9. those convicted of a misdemeanor crime of domestic violence.

Full Name (please print) : _____

Signature: _____ Date: _____



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9-32 STAFFING AND WORKLOAD

POLICY

Periodic workload assessments will be conducted to ensure adequate staffing levels are maintained to provide appropriate law enforcement services.

RULES AND PROCEDURES

9-32-01 WORK LOAD ASSESSMENTS

- A. Determination of Staffing Needs.
The Chief of Police and Special Agent in Charge will conduct an annual review of all employee workloads.
- B. Prevention of Staff Shortages.
The Special Agent in Charge or Chief of Police will anticipate vacancies, consider training schedules, and begin the recruitment process as soon as possible to prevent staff shortages.

9-32-02 IDENTIFICATION OF NEEDED POSITIONS

- A. The Chief of Police or designee will conduct a review of all employee workload as part of the Annual Report.
- B. The Special Agent in Charge will meet with the personnel officer to determine the status of existing vacancies, identify appropriate position classifications, and determine the information that may be needed to document the request for additional personnel.
- C. The Special Agent in Charge and Chief of Police will request the additional positions as a part of the reporting and budgeting process.



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9-36 SELECTION OF SWORN AND CIVILIAN PERSONNEL

POLICY

Selection of sworn and civilian personnel must be accomplished in accordance with guidelines established by the Office of Personnel Management.

RULES AND PROCEDURES

9-36-01 CRITERIA FOR THE SELECTION OF LAW ENFORCEMENT OFFICERS

A. Criteria for the Selection of Law Enforcement Officers.

Criteria for the selection of law enforcement officers have been approved by the Office of Personnel Management. The Qualification Standards for Police Officers (GS-083-3/above) includes Lead Police Officer (GS-083-8/above), and Supervisory Police Officer (GS-083-9/above). The Qualification Standards for Special Agents (GS-1811-7/above) includes Supervisory Special Agents (GS-1811-11/above). The qualifications for law enforcement supervisors are in addition to these criteria.

B. Impact of Misdemeanor Domestic Violence Convictions.

The above referenced Qualification Standards were developed prior to the 1996 Amendment to the Gun Control Act of 1968 and, as a result, do not reflect the additional prohibition to the selection of anyone who has been convicted of misdemeanor domestic violence preventing him or her from possessing a firearm in compliance with Section 658 of Public Law 104-208 (the 1997 amendment to the Gun Control Act of 1968), and has not been the subject of a court order prohibiting him/her from possessing a firearm.

C. Selection Process Elements.

The OPM selection process for law enforcement officers may include the following:

1. A written application,
2. Drug test,
3. A background investigation and Adjudication,
4. Medical evaluation.

Additional Evaluation of Candidates may include:

1. Written Exam,
2. Physical Efficiency Battery Evaluation,
3. Oral Interview,
4. Psychological evaluation.

D. Responsibility for Developing List of Eligible Applicants.

The applicable Office of Personnel Management is responsible for developing the list of eligible applicants for law enforcement positions. Because all of these positions are designated “Critical-Sensitive”, all background checks must be completed prior to appointment. Personnel Management is responsible for vouchering applicants.



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E. Standardized Written Test Instrument.

The Office of Justice Services uses a validated written test instrument to measure suitability for law enforcement employment. The Indian Police Academy is responsible for the development of standardized testing procedures.

F. Adoption of Physical Efficiency Battery (PEB).

The Office of Justice Services (OJS) has adopted the Physical Efficiency Battery (PEB), as administered at the Federal Law Enforcement Training Center, as the Office's measure of physical fitness.

G. Responsibility for Background Investigations.

For federal employees (sworn and civilian), the designated entity for personnel management background investigations is OPM-FIPC, Boyers, Pennsylvania, 16018. Note that OPM will determine billing rates for these investigations.

9-36-02 PROCESSING APPLICATIONS FOR BIA LAW ENFORCEMENT OFFICERS

A. The area Personnel Office will evaluate the applicant's experience, education and age qualifications, vouch for the applicant, develop a list of eligible applicants, and forward the eligibility list to the Chief of Police or Special Agent in Charge for consideration.

B. The Chief of Police or Special Agent in Charge will arrange for pre-selection testing, not necessarily in the following order:

1. Review of the application,
2. Written examination,
3. Physical Efficiency Battery (PEB) as determined by IPA eligibility standards.
4. cursory Background Check
5. Background investigation by OPM
6. Oral interview (optional).
7. Conditional Offer of Employment
8. Drug testing,
9. Psychological examination,
10. Medical examination.



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- C. As pre-screening, prior to requesting the appropriate day service for background investigations, the Special Agent in Charge or Chief of Police will initiate a cursory background check of the applicant. Forms available for this cursory background check include but are not limited to:
1. *Checklist for Cursory Background*
 2. *Questions for Cursory Background Investigation*
 3. *Employer Interview Form*
 4. *Reference Interview Form*
 5. *Credit Report Disclosure*
- D. These forms facilitate collection of the following information:
1. Clearance in national and state crime information systems,
 2. Contact with at least three employers, including the current employer (if employed), preferably speaking with the applicant's immediate supervisor,
 3. Contact with at least two persons listed as references, and
 4. Other contacts as designated by the Special Agent in Charge.
- E. If the Chief of Police or Special Agent in Charge or designee discovers a negative result, such as the presence of a felony offense or a positive drug test, which has the potential to disqualify the applicant, the Special Agent in Charge may take any of the following actions:
1. Contact the applicant to advise him/her of the finding, request clarification, or initiate retesting,
 2. Defer any additional testing, or
 3. Hold the application pending final notification of results of the application process.
- F. As part of the selection process, the Special Agent in Charge or Chief of Police will arrange for an oral interview.
- G. The Chief of Police or Special Agent in Charge will make the final decision regarding the candidate(s).
- H. The Chief of Police or Special Agent in Charge or designee will notify candidates as required by OPM regulations and procedures.

9-36-03 ACTIONS ON SELECTION OF A CANDIDATE

- A. If a BIA agency, the Special Agent in Charge will notify the Area Personnel Office of the selection and request the appropriate service for the Background Investigation for the position, based on its sensitivity.



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- B. The Area Personnel Office will forward the following forms to OPM/FIPC to initiate a background investigation:
 - 1. SF-86, Questionnaire for Sensitive Positions,
 - 2. SF-87, Fingerprint Chart,
 - 3. SF-171, Application for Federal Employment, and
 - 4. Any optional forms.
- C. When the background investigation has been successfully completed and adjudicated by a trained security professional, the Chief of Police or Special Agent in Charge will identify a start date, arrange for issuance of uniforms or a uniform allowance, and issue those items of law enforcement equipment that may be issued.
- D. The Chief of Police or Special Agent in Charge will arrange for pre-service training.

9-36-04 QUALIFICATIONS FOR SELECTION OF CIVILIAN PERSONNEL

- A. Civilian Personnel in Sensitive Positions.

Because civilian personnel in law enforcement agencies may have access to sensitive law enforcement information, perform duties essential to the safety of officers in the field, and have access to items or information that could influence the successful prosecution of criminal offenses, they must be selected more carefully than employees performing comparable tasks in a less sensitive environment.
- B. Selection Process.

The Chief of Police will ensure that the appropriate personnel process is used for the position, based on occupational series and sensitivity. The selection process for civilian personnel in law enforcement agency's includes, at a minimum:

 - 1. A written application, which requires the applicant provide information that is used to determine educational and experience qualification for the position,
 - 2. A background investigation, and
 - 3. Oral interview.
- C. Sensitive Positions.

For those particularly sensitive civilian positions, such as a property custodian or secretary/typist in an investigations unit, Supervisors will follow the procedures outlined in the previous section of this chapter for commissioned employees.



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9-36-05 PROCESSING APPLICATIONS FOR CIVILIAN EMPLOYEES IN LAW ENFORCEMENT AGENCIES

- A. The Regional Personnel Office will evaluate the applicant's experience, education, and age qualifications, vouch for the applicants, develop a list of eligible candidates, and forward the eligibility to the Special Agent in Charge or Chief of Police for consideration.
- B. As pre-screening, prior to the requesting the appropriate day service for background investigations, the Special Agent in Charge/Chief of Police will initiate a background check of the applicant that includes:
 1. Clearance in national and state crime information systems,
 2. Contact with at least three employers, including the current employer (if employed), preferably speaking with the applicant's immediate supervisor,
 3. Contact with at least two persons listed as references, and
 4. Other contacts as designated by the Chief of Police or Special Agent in Charge.
- C. If the Chief of Police or Special Agent in Charge or designee discovers a negative result, such as the presence of a felony offense or a positive drug test, which has the potential to disqualify the applicant, the Special Agent in Charge/COP may take any of the following actions:
 1. Contact the applicant to advise him/her of the finding, request clarification, or initiate retesting,
 2. Defer any additional testing, or
 3. Hold the application pending final notification of results of the application process.
- D. As part of the selection process, the Special Agent in Charge/COP will arrange for an oral interview.
- E. The Chief of Police or Special Agent in Charge will make the final decision regarding the candidate(s).
- F. The decision of the Chief of Police or Special Agent in Charge is contingent upon successful adjudication of the applicant's background by a trained security professional.



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9-38 OJS PERSONNEL FUNERAL PROTOCOL

POLICY

The Office of Justice Services will provide assistance to the immediate survivors of an employee, whose death occurs in the line of duty, non-line of duty, is a professional staff employee, or a retiree.

RULES AND PROCEDURES

9-38-01 GENERAL

It is the responsibility of the District Command Staff to:

1. Ensure that the employee's family is provided with the necessary assistance so the funeral is orderly and dignified.
2. Provide the proper emotional care for the deceased employee's family with the funeral arrangements to be decided by the family, with their wishes taking precedence over the wishes of the Office of Justice Services.
3. Coordinate participation for all Police and Fire department resources and other agencies for all funerals upon request from the family as outlined herein.
4. Any deviation from this policy must have prior approval by the Deputy Director, Office of Justice Services.

9-38-02 FUNERAL TYPES

The BIA, Office of Justice Services can participate in the following types of police funerals.

1. Line of Duty (sworn officers): The sworn officer who dies by felonious or accidental means during the course of performing police functions on or off duty.
 - a. Degree of participation and attendance of on duty personnel will be determined by the Special Agent in Charge based on current manpower and equipment needs.
 - b. Marked police vehicles will be used in the funeral procession.
2. Non-Line of Duty (sworn officers): The sworn officer who dies as the result of circumstances occurring while in an off duty capacity or on-duty, but not considered line of duty.

On-Duty officers and professional staff may attend the funeral using Office of Justice Services vehicles with the permission of their supervisor, based on current manpower and equipment needs.
3. Professional Staff Employees
For all professional staff employee deaths follow protocol outlined in 4-38-04 D.



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4. Retirees

Honors will be offered to the retiree's family as outlined in Section 4-38-04 D.

9-38-03 DEATH NOTIFICATION

- A. The family of an employee killed in the line of duty will be notified by the employee's Chief of Police, designee, or in their absence, the Assistant Special Agent in Charge.
- B. A co-worker, close friend, or member of the District Staff may assist in notification of the immediate family.
- C. Due to immediate media attention caused by a line of duty death, personal information identifying the officer's family members, home address, phone numbers, etc. should not be broadcast over the police radio.

9-38-04 FUNERAL GUIDELINES-STANDARD PROTOCOL

A. Line of Duty Death – Sworn Officer

Duties of the District ASAC

- a. Make contact with the family and determine the assistance needed or desired.
- b. If assistance is desired, assign a district staff member as an OJS liaison.
- c. Coordinate the press release with the Public Information Officer, only after the next of kin has been notified.
- d. Assist the family in making funeral arrangements, with their wishes taking precedence over those of the Office of Justice Services.
- e. Assist the family in processing survivor benefits.
- f. Assume responsibility for the return of the deceased officer's assigned equipment.
- g. The District Office will coordinate the participation of all OJS personnel.
- h. For a line-of-duty death the protocol in the funeral matrix will be included if the family desires.
- i. The District will provide an American Flag, with a shadow box and provide framed photos and/or plaques for family members.

B. Non-line of Duty –Sworn Officers

Duties of District ASAC

- a. Make contact with the family and determine the assistance needed or desired.
- b. If assistance is desired, assign an employee as a District liaison.
- c. Assist the family in making funeral arrangements, with their wishes taking precedence over those of the Office of Justice Services, if protocol allows.
- d. Assist the family in processing survivor benefits, if applicable.



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- e. Assume responsibility for the return of the deceased officer's assigned equipment.
 - f. The District ASAC will coordinate the participation of all BIA staff.
 - g. For a non-line of duty death the funeral matrix will be used.
- C. The District will provide an American Flag and Shadow box and provide framed photos and or plaques for family members. No additional items will be covered. If employees wish to provide anything additional, they will incur the cost and will not be reimbursed.

D. Professional Staff (on or off duty)

Duties of District ASAC

- a. Make contact with the family and determine the assistance needed or desired.
- b. Assist the family in making funeral arrangements with their wishes taking precedence over those of the Office of Justice Services.
- c. For a professional staff employee death, the funeral matrix will be followed.
- d. The District will provide an American Flag and shadow box. A framed photo and or plaque will be provided for family members. No additional items will be covered, if employees wish to provide anything additional, they will incur the cost and will not be reimbursed.

E. Retirees

For a retired sworn officer or retired professional staff employee's death, the funeral matrix will be followed.

9-38-05 TRADITIONAL RELIGIOUS FUNERAL

- A. During a traditional religious funeral, the police role will be adjunct to the clergy and the house of worship participation.
- B. The content of the sermon is at the discretion of the family and participating clergy.
- C. If the family has no specific religious preference and requests OJS assistance to coordinate the service text, the ASAC will contact a chaplain to have a tradition funeral service conducted.
- D. If the family does not indicate a preference, the eulogy may be made by the deceased officer's supervisor.

9-38-06 UNIFORMS

- A. Authorized Uniform – the funeral uniform will be the BIA OJS class A as listed in the uniform policy.
- B. Authorized headgear
Campaign Hats, felt in winter, straw in summer.



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C. Badge shroud

1. Upon the death of an officer currently employed by the Office of Justice Services, the breast badge will be shrouded from the day of notification until internment.
2. Shrouds will be black, elastic material, and 3/8 inch in width. The shroud will be worn horizontally around the center of the badge. Writing such as "In memory" is not authorized on badge shrouds.
3. Elastic Shrouds will only be worn with the class A winter and class B summer uniform.

9-38-07 OTHER AGENCY DEATHS

1. At the discretion of the Chief of Police or Assistant Special Agent in Charge, the OJS may be officially represented at the funerals of Police Officers killed in the line of duty.
2. Employees will be scheduled to attend during normal duty hours.
3. Overtime will not be allowed unless previously authorized by a supervisor.

9-38-08 MEMORIAL EVENTS

All memorial events will be coordinated through the District Office.



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9-51 RECORDS MANAGEMENT

POLICY

Each law enforcement agency is responsible for maintaining strict control measures over records and will receive, retain, and distribute reports and other records according to applicable records and disposition schedules and laws.

RULES AND PROCEDURES

9-51-01 GENERAL

A. Records Management System

1. Each agency will maintain a records management system that collects, retrieves, stores, updates, and purges information created by the agency.
2. The system may be either manual or automated or a combination of both.
3. The system will provide for a master name index file which includes the names of persons identified in field and accident reports, based on legal requirements.

- B. All law enforcement offense/incident reports, accident reports, and criminal investigation case reports created in the Incident Management Analysis and Reporting System (IMARS) shall be maintained by the Department of the Interior, Office of Law Enforcement and Security (DOI-OLEs). See 9-51-12 for further details.

C. Freedom of Information Act

To protect both the individual's right to privacy and the public's right to know, all law enforcement agency personnel will comply with the provisions of the Freedom of Information Act as set forth in federal or tribal regulations. Each agency will maintain copies of the referenced codes, regulations, and handbooks in the area records are kept.

D. Custodian of Records

Each Agency will identify, by title, the person responsible for records and informational function, and a telephone number for that person. This may be a law enforcement assistant, a sworn officer, or another identified civilian employee. This individual will be considered the Custodian of Records. In any case, the Chief of Police has the ultimate responsibility for ensuring the integrity of all agency records.

- E. Additional information regarding records may be found in 69 BIAM.



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F. Access to Records

The Chief of Police, Supervisory Special Agent or Special Agent in Charge will identify by position and agency affiliation all of those who have the right of access to records. Records information will be available to agency operations personnel at all times. When records staff are off duty, access may be gained by an authorized communications supervisor/dispatcher or other on-duty supervisor as authorized by the Chief of Police, Supervisory Special Agent, or Special Agent in Charge.

G. Location of Records

All law enforcement records must be stored in a location inaccessible to unauthorized staff and all visitors. The Chief of Police, Supervisory Special Agent, or Special Agent in Charge will designate as authorized personnel those staff that can access records. Each agency will identify the location of computers to be used by staff to access records information.

H. Security of Records

The Chief of Police, Supervisory Special Agent or Special Agent in Charge will ensure that stored records are secured (locked file cabinet, locked room). Only authorized staff will have access to stored records.

9-51-02 INTEGRITY OF RECORDS

- A. Any authorized staff member accessing law enforcement records will ensure that they are replaced in the appropriate location and, if necessary, secured.
- B. Any authorized staff member providing access to law enforcement records will ensure that the information is public information.
- C. If the information is not public but other law enforcement personnel request it, the on-duty supervisor will obtain an explanation for the review of the records before releasing the information.
- D. If the information is not public but a member of the public requests it, the staff member will obtain an authorization to release the information before releasing it.



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9-51-03 MODIFYING RECORDS

- A. If a staff member discovers a mistake in a record, he/she will notify the on-duty supervisor.
- B. The staff member will explain the mistake and, if known, how it occurred to the on-duty supervisor.
- C. The on-duty supervisor will make a note in the file with an explanation for the mistake.
- D. Any time a staff member obtains pertinent information to update a record, he/she will record the information on the appropriate form, including the date the information was obtained and the reporting officer's name, and will place it in the appropriate file.
- E. When a facility's record management system partially or completely uses computers to create and store information and records, authorized personnel will use a password system when accessing files to correct, add or delete information.

9-51-04 RETENTION OF RECORDS

OJS law enforcement agencies will follow the records retention schedule as defined by the Department of Interior and/or the Bureau of Indian Affairs.

9-51-05 RECORDS NUMBERING SYSTEM

- A. All offense/incident reports, accident reports, and criminal investigation case reports will be assigned a unique number by the IMARS application. If the agency maintains criminal histories, these will also be assigned a unique number.
- B. The unique number for criminal histories will consist of the agency identifier, year, and sequential number, e.g. "Win-14-00001". This would indicate the first criminal history of 2014 for the Winnebago Agency. The agency identifier may be pre-printed on agency forms. Each criminal history generated will be assigned the next sequential number, regardless of the type of report.

9-51-06 SUBMISSION OF CRIME DATA TO UCR, NIBRS, OR OTHER FEDERAL CRIME DATA COLLECTION DATABASE

Those agencies that submit UCR, NIBRS, or other federal crime data collection reports will ensure that records are maintained according to the UCR Handbook.



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9-51-07 RECORDS OF TRAFFIC CITATIONS

Those agencies that use traffic citations will ensure that:

1. Officers sign for citation books when issued. Only authorized personnel may issue citation books to officers. An authorized person may be a dispatcher, supervisor, or someone designated by the Chief of Police.
2. Citations are accounted for when turned in by the officer.
3. Citation books are stored in a secure location, with access limited to authorized personnel.

9-51-08 CRIMINAL HISTORY AND ARREST RECORDS

- A. Computerized criminal history records, access & release
- B. Assigning ID number & maintaining a criminal history file for each person custodially arrested.
- C. Criteria for recording arrest information:
 1. Preparing reports
 2. Fingerprinting
 3. Photographing

9-51-09 MAINTAINING A WARRANT AND WANTED PERSONS FILE

- A. Those agencies that keep a warrant and wanted persons file will maintain the file in the communications area. Maintenance of the file will be the responsibility of the on-duty communications supervisor or lead dispatcher. Upon notification that a warrant is recalled or served, the system will immediately be updated, the warrant entry cancelled and the original warrant sent back to the originator. Confirmation will be via teletype, e-mail or telephone.
- B. Those agencies accessing regional, state, or federal information systems will follow guidelines established by the system administrators regarding entering and canceling information.
- C. All warrants will be verified before service.
 1. Warrants from Other Jurisdictions:

An arrest will not be made based on a warrant from another jurisdiction until confirmation is received that the warrant is still active. A teletype, e-mail or other documented confirmation must confirm that the subject to be arrested is the same person named in the warrant.
 2. Local Warrants:

There will be 24 hour access to the communications area where the warrant files are kept to verify local warrants. All local warrants will be verified by personal observation before making the arrest.



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9-51-10 JUVENILE RECORDS

- A. The Chief of Police, Supervisory Special Agent or Special Agent in Charge will ensure that juvenile records are maintained consistent with applicable federal or tribal code or regulation and ensure that changes to law and regulation are reflected in agency procedures.
- B. Juvenile records are typically treated differently from those of adult offenders. They are:
 - 1. Kept separately,
 - 2. Not open for public inspection or their contents disclosed to the public without a written court order, subject to the routine uses and other exceptions of the Privacy Act.
- C. Law enforcement officers may allow child protective workers who are charged with the responsibility for a juvenile's welfare to inspect the records of that juvenile.
- D. At the termination of the juvenile court's adjudication or when the juvenile reaches eighteen years of age, whichever is later, all law enforcement records of the juvenile will be destroyed by shredding or other approved disposal methods.

9-51-11 INCIDENT MANAGEMENT ANALYSIS AND REPORTING SYSTEM (IMARS)

- A. The Incident Management Analysis and Reporting System (IMARS) provides the Department of Interior (DOI) with an automated mechanism for department wide information collection, analysis, and reporting on incidents. This automated system is used by the Bureau of Indian Affairs, Office of Justice Services to enter information about incidents and then retrieve, analyze, and manage this information.
- B. The software associated with IMARS is a commercial off-the-shelf product provided by Niche Technologies. The product is called Niche RMS. The IMARS/Niche database resides on an Interior Business Center server and is accessed using a Niche Client that is installed on a workstation. IMARS is accessible in two different ways, from the client on your BIA computer desktop and through the secure Citrix Implementation of the Law Enforcement Portal. Connection to IMARS from your iPad is done using the Citrix version.
- C. End users of this system are provided IMARS access by requesting the appropriate IMARS role in IIS. Internal VPN is no longer required and does not need to be requested in IIS. After the IMARS request is made in IIS, the Business Owner requests access to IMARS for the requesting individual through the IMARS Technical Team.



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9-52 PRIVACY AND CONFIDENTIALITY OF RECORDS

POLICY

OJS will ensure that records are properly stored and disseminated in accordance with the Freedom of Information Act.

RULES AND PROCEDURES

9-52-01 GENERAL

- A. To protect the privacy rights of both staff and inmates, the District Special Agent in Charge or designee will ensure that requests for information about operations and staff is granted only to recognized agencies or agents for legitimate reasons. The authorized transfer of records, and the dissemination of public information, will be conducted in accordance with the Freedom of Information Act.
- B. The Chief of Police, Supervisory Special Agent, or Special Agent in Charge will identify, by position and/or title, the staff persons who have access to the records and/or automated information system, the degree of access to the records and any restrictions on access to the system.
- C. The Chief of Police, Supervisory Special Agent will develop local procedures for accessing law enforcement sensitive information.
- D. Records not stored in areas that are staffed 24 hours a day will be secured in a locked cabinet preferably in a locked room.
- E. Confidential information may be subpoenaed.
- F. Each Agency/District must develop a list of persons, such as child protective professionals, who can access related records, receive confidential information without a subpoena or a signed release, and access other types of information.
- G. Reports that need to be copied and sent outside the Division of Law Enforcement, other than to the United States Attorney or Solicitor, are governed by the Freedom of Information and Privacy Acts.
- H. Officers are not the official custodians of records for Division of Law Enforcement property, and, unless authorized, should not take records or other materials (other than evidence) for presentation in court.
- I. Officers do not retain copies of law enforcement sensitive reports.



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9-52-02 ROUTING OF REPORTS

- A. Officers who need reports routed to other investigators or officers within the law enforcement agency will make and route copies themselves. Officers do not send originals.
- B. Officers send reports in a standard blue envelop, marked “Law Enforcement Sensitive”.
- C. Officers who are sending copies of reports outside of the Division are responsible to submit adequate routing instructions with the report. For example, when submitting a case report, the follow-up request portion will be completed, specifying the outside agency to receive the report.

9-52-03 ACCESS TO RECORDS AND INFORMATION BY LAW ENFORCEMENT AGENCY EMPLOYEES.

- A. When a staff member wishes to access agency records, he/she will go to the location where records are stored.

If the staff member requests the information by telephone, he/she will identify himself/herself by name, badge number and, when possible, provide a telephone number for call back verification.

- B. If records personnel are on-duty, the staff member will request the record from the records clerk who goes to the appropriate location, inserts a card to indicate its removal, retrieves the record from the area in which it is stored, and allows the staff member to review the record.
- C. If the files are locked, the staff member will request that the on-duty supervisor (or staff member who has the key) unlock the storage area and the file cabinet where the records are stored.
- D. The on-duty supervisor will locate the appropriate record, insert a card to indicate it’s removal, lock the file cabinet, and allow the staff member to review the documents contained within the file. The staff member will remain in the area where the files are stored and will not remove the record from this area.
- E. The staff member will use the information only for official purposes.
- F. When finished reviewing the record, the staff member will return it to the records personnel (if available) who will return it to the appropriate location. If necessary, the staff member will request that the on-duty supervisor unlock the file cabinet and return the record.



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9-52-04 ACCESS TO RECORDS AND INFORMATION BY OTHER LAW ENFORCEMENT PERSONNEL

- A. Law enforcement personnel from another department may access agency records by requesting access from the Chief of Police, Supervisory Special Agent, or Special Agent in Charge or designated supervisor.
 - 1. Supervisors may release reports.
 - 2. Requests to release other law enforcement agency materials, i.e., rules, procedures, training materials, etc. by all entities outside the law enforcement agency, including prosecutorial requests, are directed to the United States Attorney, Solicitor or other prosecutor as appropriate.
- B. The Chief of Police, Supervisory Special Agent, or Special Agent in Charge will ensure that the review is for legitimate purposes.
- C. If the Chief of Police, Supervisory Special Agent, or Special Agent in Charge determines that the review is justified, he/she will require that the law enforcement personnel complete an *Access to Records Form*.
- D. After completing the Access to Records Form, the Chief of Police, Supervisory Special Agent, or Special Agent in Charge will allow the law enforcement personnel access to the appropriate record.
- E. When the review is completed, the Chief of Police, Supervisory Special Agent, or Special Agent in Charge will ensure that the record is placed in its appropriate storage location.

9-52-04 RELEASE OF INFORMATION

- A. Any requests for confidential information will be handled under the FOIA provisions.
- B. When another criminal justice agency, or the public, requests non-confidential information from the agency, the staff member receiving the request will review the records to ensure the information requested is available and is not confidential or law enforcement sensitive.
 - 1. Supervisors may release collision information to anyone upon proper request.
 - 2. Supervisors may release to insurance companies, financial institutions, and other authorized recipients, property damage/loss information from such cases as burglaries, larcenies, arson, and criminal damage.
 - 3. Supervisors may not release copies of records to the victim or the victim's attorney, without approval from the agency's legal counsel.



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- C. If the information is not available, is confidential, or law enforcement sensitive, the staff member will notify the requesting individual and advise how the information may be obtained.
- D. If the information is available and can be released, the staff member will make copies of the requested information and return the originals to their appropriate storage location.
- E. The staff member will initiate the *Release of Information Form*, documenting the information provided, and will instruct the requesting individual to sign the form. If the information is sent through the mail, the staff member will identify on the form the individual to whom the information is sent rather than requesting that individual's signature.
- F. The staff member will forward the information to the requesting individual either directly or through the mail.
- G. The Special Agent in Charge will respond to all special requests immediately when submitted by the agency superintendent, tribal administrator, tribal governmental authority, court, area Special Agent in Charge, and other federal judicial and law enforcement agencies.
- H. The Special Agent in Charge will determine the appropriate response to other special requests for information.

9-52-05 ACCESS TO AN AUTOMATED RECORDS SYSTEM

- A. When an authorized facility staff member wishes to access agency records, he/she will go to the appropriate computer terminal.
- B. The staff member will use the appropriate password to "log on" the computer. His/her authorized security clearance level determines the information he/she can access.
- C. The staff member will complete the necessary task.
- D. The staff member will not discuss any of the information obtained from the file with anyone other than authorized personnel.
- E. Upon completing the task, the staff member will log off the computer so that unauthorized persons cannot view the record.



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9-53 LEGAL PROCESS

POLICY

OJS agencies will provide legal process as required by their jurisdiction.

RULES AND PROCEDURES

9-53-01 GENERAL

- A. Legal process deals with both criminal and civil matters. The degree to which the law enforcement agency deals with both types of legal process depends on the nature and mission of the law enforcement agency and the legal requirements of their jurisdiction. The Solicitor or U.S. Attorney will define the legal process, either criminal or civil, which serves the law enforcement agency and the agency's responsibilities for service.
- B. The Chief of Police, Supervisory Special Agent or Special Agent in Charge will ensure that officers are aware of the applicable statutes for service of both the criminal and civil process and develop procedures to ensure that they comply with the legal requirements of each agency's jurisdiction. Officers will be issued written procedures.
- C. If the law enforcement agency has the authority or the responsibility to seize any items of personal property, the Chief of Police, Supervisory Special Agent, or Special Agent in Charge will ensure that they are secured consistent with the requirements listed in 2-05 Evidence Collection and Preservation.
- D. If the law enforcement agency collects any funds as a result of the service of criminal or civil process, the Chief of Police, Supervisory Special Agent, or Special Agent in Charge will maintain these funds separately from other operating accounts and account for all funds received and disbursed according to generally acceptable accounting practices.



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9-55 COMMUNICATIONS EQUIPMENT AND TECHNOLOGY

POLICY

OJS will provide appropriate communications equipment to personnel to ensure reliable communication between communications centers and officers in the field.

RULES AND PROCEDURES

9-55-01 GENERAL

The success of the public safety communications operation is often dependent on the quality of the telephone, radio equipment, and technology available for use by the citizen, the dispatcher, and the patrol officer. Therefore, it is the responsibility of the Deputy Bureau Director, OJS, to ensure that the available communications equipment and technology is adequate for handling the calls for service and dispatching needs of the area within the administrator's jurisdiction.

9-55-02 EQUIPMENT

- A. Agency communications equipment must meet the minimum needs of the call load and dispatching needs of the jurisdiction. This equipment may include, but is not limited to, the following:
1. At least one radio channel dedicated to primary dispatching functions.
Additional radio channels dedicated for car-to-car radio traffic, field tactical operations, and mutual aide communications may be used, if available.
 2. At least one transmitting and receiving console, or base station, located in the primary law enforcement agency dispatch center capable of transmitting or receiving, in either simplex or duplex mode, and reaching or receiving any public safety unit within the jurisdictional boundaries.
 3. Appropriate number of radio signal relay stations, microwaves, or other signal transmitting and receiving equipment to ensure proper radio signal coverage within the jurisdictional boundaries.
 4. Sufficient telephone lines coming into the dispatch center to allow for multiple callers to be handled simultaneously.
 5. Computer equipment and/or terminals that are linked to the state and national law enforcement computer information networks, i.e., NCIC.
 6. Mobile radios for all law enforcement vehicles. Radios will be equipped or programmed with all public safety radio channels utilized by the jurisdiction.
 7. Sufficient number of portable radios (pac-sets) to equip each on-duty patrol officer. Portable radios will be multi-channel and equipped, or programmed, with all public safety radio channels utilized by the jurisdiction.
 8. Recording equipment capable of automatically recording all radio traffic transmitted or received on the primary dispatch channel for a 24-hour period without changing recording tapes.



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9. Recorded tape playback equipment that allows the user to search and locate radio traffic by date and time, as well as provide immediate playback of ongoing communications between dispatch and field officers.
10. Recording equipment capable of recording telephone conversations on all lines accessed by/through use of the law enforcement agency's primary emergency telephone number.
11. An event logging system capable of stamping the date and time on dispatch event cards.
12. In the event of a power failure, a back-up battery, or generator will be available to provide sufficient electricity for all essential dispatching equipment.

9-55-03 INCIDENT MANAGEMENT ANALYSIS AND REPORTING SYSTEM (IMARS)

REFER TO 9-51-12 FOR IMARS DETAIL.



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9-56 COMMUNICATIONS PROCEDURES

POLICY

Law enforcement agencies within the Office of Justice Services may provide varying levels of communications services. These services may include the receipt, processing, and dispatching of calls for service, or simply providing information to citizens. If communication services are not available 24/7, agreements with local jurisdictions to provide the service will be negotiated.

RULES AND PROCEDURES

9-56-01 GENERAL

- A. The Chief of Police or Supervisory Special Agent is responsible for overseeing the communications and dispatching function when such a function is an obligation of the law enforcement agency. The Chief of Police or Supervisory Special Agent may delegate this responsibility to one or more supervisors as needed to ensure effective and efficient oversight of this function.
- B. All radio operations associated with the communications and dispatching function must be conducted in accordance with Federal Communications Commission (FCC) rules and regulations.
- C. The communications center or dispatch function shall be located within the agency offices or buildings in such a way as to provide security to dispatch personnel and equipment.
 1. Security measures taken at the communications center limit access and protect from entry by unauthorized persons.
 2. Dispatch equipment shall be located and maintained in a manner that provides a measure of protection from intentional sabotage and inadvertent acts of carelessness.
 3. Transmission lines, antennas, microwave equipment, power sources, and other applicable communications equipment shall be located in such a way as to provide a measure of protection from the elements and human tampering.
- D. The Chief of Police or Supervisory Special Agent will ensure procedures related to the communications and dispatching function are current in response to acquisition of new equipment, assignment of additional personnel, and/or receiving additional dispatching functions or responsibilities.
- E. The Chief of Police or Supervisory Special Agent will ensure all field and communications personnel are trained in the type of code or language to be used during any use of the agency radio communications system, i.e., 10-code, clear speech, or combination.



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- F. The Chief of Police or Supervisory Special Agent will ensure personnel assigned to the communications center as dispatchers and/or call-takers are trained in proper procedures and techniques for obtaining information from persons who may be calling under difficult or exceptionally emotional circumstances. Communications personnel will also be trained in assessing and prioritizing calls for service. Dispatchers will attend a formal Basic Telecommunications Training Course.
- G. If the agency does not support a twenty-four hour communications center, the Chief of Police or Supervisory Special Agent will ensure information on to how to call for police; fire and ambulance services is publicized within the effected communities.
- H. The law enforcement agency must be prepared to respond to emergencies by establishing those procedures providing the most rapid response and maximum protection to both the citizen and the responding law enforcement officer.
- I. The individual receiving an emergency call and the initial dispatcher play a critical role in ensuring a high quality law enforcement response by alerting the responding law enforcement officer as soon as possible.
- J. Communications supervisors are responsible for ensuring these procedures are understood and applied by communications personnel when receiving and dispatching calls.

9-56-02 CALL-TAKER

- A. Dispatch personnel assigned the responsibility of taking calls from citizens requesting assistance from law enforcement or other public safety agencies will do so consistent with the procedures of this policy.
- B. The call-taker or dispatcher receiving an outside call is the first law enforcement link with the citizen when the phone is answered. A clearly understood, calm, decisive, and courteous voice may help calm a caller.
- C. Each call will be promptly answered. Dispatchers and call takers will treat each incoming call as an emergency until they know otherwise.
 - 1. All calls should be answered within three rings.
 - 2. All emergency lines are answered, “Name of *law enforcement agency and person receiving call*, is this an emergency?” If the caller advises that the situation is an emergency, the emergency calls procedure will be utilized.
- D. The dispatcher or call-taker receiving the call will take charge of the conversation.
 - 1. The dispatcher will ask pertinent questions and not repeat information.
 - 2. A calm and competent voice helps to assure the caller of prompt, efficient action.
 - 3. As a general rule, the information needed answers the questions: who, what, where, when, how and why.



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- E. Call-takers will ascertain the nature of the call and whether or not an officer is needed immediately at the scene. The call-taker will obtain as much pertinent information from the caller as possible. The information obtained may include, but is not limited to:
1. The nature of the emergency, or situation, requiring public safety response.
 2. The location of the incident. If the caller cannot provide an address, the call-taker will obtain as much information as possible about the location, i.e. street name, names of cross streets, recognizable landmarks, buildings or commercial names, etc.
 3. The number of people involved and their relationship to the incident. The call-taker will attempt to determine if they are victims, witnesses, suspects, etc.
 4. The location of the caller and a call back phone number. The Call-Taker will determine if any involved persons (see 3., above) are at a location different from the caller.
 5. Descriptions of suspects and/or suspect vehicles. If suspects or suspect vehicles have left the scene of the incident the Call Taker will obtain information on when they were last seen and their direction of travel.
 6. Determining the number of victims and the extent and nature of any injuries.
 7. Determining the type of weapon(s) used or brandished by suspect(s).
- F. Calls received, dispatched, and officer activity and status are to be recorded by the dispatcher. Information to be recorded at the time of a request for service includes:
1. Date and time of request
 2. Name and address of complainant
 3. Type of incident
 4. Location of incident
 5. Time of arrival
 6. Time of return to service
 7. Case or call number
- G. The dispatcher or call-taker receiving the call should always listen for background noises to help determine the exact nature of the situation. Any indications of urgency or severity should be transmitted to the responding officers.
- H. All of the above information will be relayed to responding officers as soon as possible. If the call-taker is also the dispatcher, the call-taker will relay the important information to responding officer(s) as it is received, i.e., call-taker/dispatcher identifies available unit(s) and broadcasts information on location and nature of incident, then obtains additional information and updates responding officers. This process will continue for the duration of the call.
- I. The call-taker is responsible for ensuring other public safety agencies, i.e., fire and ambulance, are notified immediately when their response is required by the nature of the incident.



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J. Misdirected Calls

Emergency calls received by an agency intended for another agency will be accepted and promptly relayed to the agency having jurisdiction. Dispatchers have the capability of transferring these calls to the correct agency however; the call taker will take all the available information and relay the information to the appropriate agency if the caller is unable to remain on the line or is disconnected.

K. When the call-taker is not also acting as the dispatcher, the call-taker will perform other communications functions in support of the dispatcher. These functions may include, but are not limited to:

1. Establishing phone or radio contact with other affected, or potentially affected, law enforcement or public safety agencies and coordinating response, if necessary.
2. Notification of Chief of Police or Supervisory Special Agent or other agency command officers when required by the nature of the incident.
3. Providing information to the media, as authorized.
4. Paging or calling off-duty officers when callback is required by the nature of the incident.
5. Locating and researching, as needed, street maps, subdivision maps, topographical maps, etc.

9-56-03 DISPATCHER

A. The dispatcher is responsible for immediately relaying accurate information to police field units. The dispatcher will:

1. Provide updates to responding police units, or other public safety agencies dispatched by the law enforcement agency, as soon as possible upon receiving additional information relevant to the call for service.
2. Speak in a clear, evenly modulated voice, when communicating by radio to field units.
3. Relay or repeats radio traffic received from field units to ensure the information was correctly heard by the dispatcher and to ensure other field units hear the traffic. The dispatcher also gives the time after each significant transmission. Example: (field unit) "One-Charlie-12, arrival at scene - suspect not visible". (dispatcher) "Copy, One-Charlie-12, arrival and suspect not visible - 2032 hours."
4. Ensure all pertinent information is properly recorded and logged consistent with this policy.
5. Be responsible for obtaining a status from field units on a periodic basis. These status "checks" are conducted in situations where the officer is on a high-risk call or has not been heard from for an extended period of time.



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6. Begin each duty period ensuring that agency resource information is easily accessible. This resource information may include, but is not limited to:
 - a. The identity of the officer/supervisor in charge of field units.
 - b. The identity and assignment of all agency personnel to be tracked by the communications center.
 - c. The residence phone number of every agency employee.
 - d. Maps of the agency's service area including, but not limited to:
 - 1). an overall map of the agency jurisdiction with all streets, roads, highways, towns, subdivisions, etc.
 - 2). Specific subdivision street maps.
 - 3). Specific town street maps.
 - 4). Topographical maps.
 - e. Written procedures detailing method and manner of notifying and requesting emergency assistance from area public safety agencies, area law enforcement agencies, public utility companies, volunteer agencies, etc.
 7. Passes on information to the on-coming dispatcher about the status of field units, status of on-going events or other significant occurrences, before ending the duty period.
- B. The employee or officer serving in the capacity of dispatcher may be required to complete offense or incident reports detailing information received from a victim, complainant or witness when the crime or incident is minor and an officer is unable to respond to meet with the reporting party. Reports will be completed and submitted to the appropriate supervisor prior to the dispatcher ending the duty period.
- C. In agency's that do not have the capability for audio recording field radio traffic and/or for recording telephone conversations on incoming emergency phone lines, the dispatcher may also be required to complete a report detailing circumstances and events on serious calls for service. This type of report may be required to document information received from persons calling to report a crime, incident or request public safety services. The report can also be used to document information received from field units and/or to document the chronology of events.



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9-56-04 DISPATCH PRIORITY

- A. Dispatchers under the direct supervision of a police department will dispatch calls for service in accordance with the priority criteria prescribed by generally applicable departmental procedures, as follows:
1. PRIORITY 1
 - a. A priority 1 call is a felony that is in progress (occurring while the caller is on the telephone) or there is an immediate threat to life or property.
When a priority 1 call is received, the call-taker will keep the caller on the line while obtaining location information, business name, offender information (including intoxication and medications), weapon information, vehicle information, and direction of travel.
 - b. If the incident requires both a police and medical response, the call-taker will obtain enough information to dispatch police, and then arrange for medical response.
 2. PRIORITY 2
 - a. A priority 2 call is where there is no immediate threat to life or property. Misdemeanor crimes in progress are priority 2 calls.
 - b. The call-taker will obtain information from the caller, create a call for service, and end the telephone call.
 3. PRIORITY 3
 - a. A priority 3 is any call in which a crime has already occurred with no suspects at or near the scene, routine events, and calls where there is no threat to life or property.
 - b. The call-taker will obtain information from the caller, create a call for service, and end the telephone call.
 4. PRIORITY 4
Priority 4 calls is a house check, routine patrol call, or any priority 3 call where the victim is willing to make a telephone report and does not need an officer at the scene.
- B. Dispatchers who serve multiple departments (fire, emergency medical services, conservation resource officers, etc.) will afford domestic violence calls the highest priority classification (priority 1). In every case, the dispatcher shall assign a back-up unit. When necessary, units from other law enforcement agencies may be called to provide backup.
- C. If the caller is the victim of domestic violence the dispatcher will attempt to keep the caller on the telephone as long as possible, reassuring the caller that help is on the way and when the police will arrive.
- D. If the caller is a witness to a domestic incident in progress, the dispatcher will keep the caller on the telephone and relay on-going information to the responding officer.
- E. If the dispatcher has ready access to law enforcement records, he/she will check them and convey the following information to the officer responding to the domestic violence call:



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1. Whether the parties involved in the incident have been involved previously in domestic incidents,
2. Whether there is a protection from abuse order involving the parties in effect, and:
3. Any other relevant information noted in the records.

9-56-05 EMERGENCY CALLS

- A. Once the dispatcher has decided that an emergency exists, the following sequence of events should occur:
 1. Advise the caller to stay on the line, that help is en-route.
 2. Immediately advise the appropriate responding units and/or supervisor so they can proceed to the location of the incident to render assistance. Advise them that further information will be aired as soon as possible.
- B. Go back to the caller on the line and advise help is on the way. Obtain essential information first, such as the type of weapons, suspects, vehicles, etc. and provide this information to the responding units.

This information can be best obtained by utilizing a major incident information checklist.
- C. Obtain routine information such as name, phone numbers, etc., after help is on the way and essential information is provided. Do not attempt to get all the information before you initiate a law enforcement response.

9-56-06 ALERT TONE OR CODE

- A. Alert tone calls will always be aired, if available, when an officer needs assistance. In addition, the COP/SSA may define other situations when communications airs an alert tone.
- B. When a serious incident is occurring and units are out of service, the dispatcher will broadcast the location and nature of the incident to the nearest law enforcement officer or agency for an immediate response. Do not page one officer to call you on the phone for information until in-service units or assisting law enforcement officers are en-route as this causes unnecessary delay. Responding units can be called off if not needed.
- C. All emergency calls will immediately be brought to the attention of a supervisor.

9-56-07 COMMUNICATIONS LOG

- A. The Chief of Police or Supervisory Special Agent, or designated supervisor, will ensure a log, either manual or electronic, is available for recording relevant information received from each call for service or significant officer initiated action. The log may include, but is not limited to:
 1. A case number or dispatch control number.
 2. The date and time of the call, radio traffic or event.



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3. Name and address of caller or identity of officer initiating the activity.
4. Type of incident or action.
5. Location of incident or action.
6. Identity of officer(s) assigned to the call or assigned as back up.
7. Time call was dispatched.
8. Time officer arrived.
9. Time officer cleared or returned to service.
10. Disposition of call or action.

- B. The log will be maintained in the communications center for a minimum of twenty-four hours. It will then be forwarded to the appropriate supervisor for review and filing. The designated supervisor will file communications logs by month and will maintain them for twelve months.

9-56-08 FIELD OFFICER DUTIES AND RESPONSIBILITIES

- A. Officers' radio traffic should be clear, concise and professional. Proper codes will be utilized when applicable. Officers will transmit sufficient information about their situation so that the dispatcher and any other monitoring officers know, and understand, what is happening - where it is happening - and what the officer needs.
- B. Situations or events that require officers assigned to a patrol function notify the communications center include, but are not limited to:
1. Any officer initiated contact or stop of a vehicle or pedestrian. The officer will give describing information about the vehicle or pedestrian and the location of the stop.
 2. Arriving at the scene of a call for service previously dispatched by the communications center.
 3. Clearing the scene of a call for service. The officer will tell the dispatcher whether he/she is back in service and a disposition on the call. Example: (field officer) "One-Charlie-12, clear burglary call with a report. In-service."
- C. Officers will acknowledge the dispatcher any time they are contacted by radio. When called by the dispatcher, officers will answer with their radio call sign and location. Example: (dispatcher) "One-Charlie-12". (field officer) "One-Charlie-12, Ninety-fifth and Pike."
- D. Call Signs
Officers will be assigned a radio call sign either permanently or at the beginning of each tour of duty which uniquely identifies them.

9-56-09 DOCUMENTING TOWING REQUESTS

- A. Dispatchers will log a notification section on their report whenever a tow service is requested. They will record the time the tow service was called.



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- B. When the wrecker arrives on the scene, the officer will advise the dispatcher of time of arrival and any other subsequent problems.
- C. Officers will notify dispatchers of all vehicles being towed by officers or owners from private property. Dispatchers will record date, time, place towed from and to, license number, vehicle identification number, make or model, and color of vehicle in the *Towed Vehicle Log*.

9-56-10 CELL PHONE USE FOR OFFICIAL BUSINESS

- A. Officers having mobile and/or hand held radio communications equipment will use such equipment for all communications between dispatch and each other, unless radio contact cannot be established.
- B. The use of cell phones for dispatch and call response is discouraged unless no other means of communication is available or when an officer/agent is in an assignment where radio communication is impractical. Officers/agents in these assignments will be issued cell phones for their use and will follow established guidelines for usage.
- C. When a victim, witness, or offender is contacted by cell phone, the contact by cell phone shall be so noted in any relevant police report.
- D. All other references to the use of cell phones in the LE Handbook will be complied with.



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Appendix

I Indian Civil Rights Act



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Article 1 Indian Civil Rights Act of 1968 (25 U.S.C. §§ 1301-03)

§ 1301. *Definitions*

For purposes of this subchapter, the term –

1. "Indian tribe" means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;
2. "powers of self-government" means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;
3. "Indian court" means any Indian tribal court or court of Indian offense.

§ 1302. *Constitutional rights*

No Indian tribe in exercising powers of self-government shall –

1. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
2. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
3. subject any person for the same offense to be twice put in jeopardy;
4. compel any person in any criminal case to be a witness against himself;
5. take any private property for a public use without just compensation;
6. deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;
7. require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year and [1] a fine of \$5,000, or both;
8. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
9. pass any bill of attainder or ex post facto law; or
10. deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

§ 1303. *Habeas corpus*

The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.



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GLOSSARY OF TERMS

Affidavit for Search This provides all details that establish probable cause for a search of persons, premises or property and lists and describes items to be seized if located. All information officers want the judge to consider when deciding to issue the search warrant are contained within the body of the affidavit.

After Action Report (AAR) A report completed after a special unit has been activated and deployed. The report details the circumstances of the call-out, including nature and type of event, number and type of responding team members, identification and number of other assisting agencies or resources, tactics of deployment, type of specialized equipment utilized, and method and manner of event resolution. This written report documents how funds provided for a law enforcement emergency were spent.

Agency OJS Supervisor Any official who has the ultimate responsibility for managing and operating the law enforcement agency on a day-to-day basis. In BIA operated agencies, the Chief of Police is typically the supervisor exercising oversight of the law enforcement agency. In tribally operated agencies, the manager may be a Chief of Police, a director of Public Safety, or comparable title. The Special Agent in Charge is the chief law enforcement officer for the jurisdiction.

Alternative Training Methods There are a variety of methods that can be used to address training methods. These include, but are not limited to roll-call training and video-based training.

Annual Report This report is used to advise a number of organizations of the activities of the law enforcement agency. This yearly report summarizes events, agency goal attainment, statistical and fiscal information for the preceding year; it is used to establish goals for the next year.

Annual Training Report A report identifying training needs and development of training curriculum based on those needs; it includes projected costs for training, equipment, and materials.

Archaeological Resources Any material remains of past human life or activities that are of archaeological interest, as determined under uniform regulations promulgated pursuant to Title 16, Chapter 1b. These include, but not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized, paleontology specimens, or any portion or piece thereof, is not considered an archaeological resource unless found in archaeological context. No item is treated as an archaeological resource unless it is at least 100 years of age.

Auxiliary A civilian affiliated with the law enforcement agency in a part-time, non-sworn capacity, with or without compensation, because of his interest in contributing to the agency's role in a supporting capacity, i.e., senior citizens, law enforcement explorers, and volunteers.

Background Check (Pre-Employment Screening) A check of all applicants for employment, completed by the agency, for the presence of prior arrests and/or criminal convictions, validation of current employment, and references, and other activities to evaluate suitability of the applicant for law enforcement employment.

Background Investigation A full background investigation of the selected candidate(s), completed by the Office of Personnel Management or their contractor. This investigation must be completed prior to the appointment of the applicant.

Background Adjudication An independent comprehensive evaluation of all the relevant information, favorable or unfavorable, using a set of pre-described standards of a background investigation findings. Adjudication must be completed prior to the appointment of the applicant.

Bio-hazardous Tag A form that is used to mark waste containers that contain bio-hazardous waste.

Bio-hazardous Something that is dangerous, because it contains harmful biological elements, typically blood-borne pathogens.



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Blood-borne Pathogens Disease-producing agents found in blood.

Body Belt A device that allows the officer to handcuff the prisoner in front yet restricts the movement of the prisoner's arms and hands.

Breathalyzer Operator A person holding a valid license to operate breath-testing equipment from the particular state/tribe pursuant to appropriate state/tribe statutes or regulations.

Case Agent The primary investigator assigned to the case.

Case Assignment Log A log on which supervisory Special Agents document and track case assignments.

Case Manager or Supervisor The individual responsible for overseeing the efforts of a number of officers or investigators working the same case or investigative project. At the discretion of the designated supervisor, the responsible officer may be assigned as the case manager.

Case Planning and Strategy Memo A written memorandum used to open the case and advise other potentially involved agencies of the case. The memo must include: The case predication, victim's name, date of birth (DOB), address, tribal enrollment number and reservation on which the crime occurred (if different), and the guardian contact information (if the victim is a minor child), Suspect's name, DOB, social security number, address, tribal enrollment number, relationship to victim, etc., if known, summary of facts of the case, FBI Special Agent assigned joint investigation, results of the investigation to date, i.e., medical information, doctor's statement, and a brief investigative strategy and division of assignments among agencies, opinion of the U.S. Attorney's Office, and statement of any additional threat to the victim.

Case Report The report (or file) format in all Federal criminal and criminal related investigations is known as a Case Report.

Case Review The process of the designated supervisor conducting a periodic review of an officer or investigator's progress on assigned cases.

Case Review Log A log or form that is completed by the appropriate supervisor during, or after, a case review. The log, or form, compiles all necessary and appropriate statistical data related to the status and/or reported progress of all active cases assigned to an officer or investigator. This information may already be included as part of a monthly report or as part of an automated or manual information system.

Case Status Record (Summary) A written summary of actions taken on a case, including case reviews at intervals not to exceed 30 days, visits to U.S. Attorneys, changes in investigators, etc.

Certificate of Breath Analysis A form that is used to document the results of breath testing.

Chain of Command The means through which the authority that has been given to the Special Agent in Charge is delegated to his subordinates. It is also the vehicle used to hold people accountable and for purposes of communication.

Child Abuse An offense that includes, but is not limited to any case in which: A child is found dead or exhibits evidence of skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma (head injury), excessive swelling, and such condition is not justifiably explained or may not be the product of an accident; and any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution.

Child Neglect An offense which includes, but is not limited to, negligent treatment of a child or maltreatment of a child by a person, including a person responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

Child Protective Services (CPS) Agency The Tribal, state, or local social service organization, charged with delivering child protective services.

Citizen Ride-Along Request Form A form on which citizens make a request to participate in the ride-along program.



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Citizen Ride-Along Waiver A liability waiver that citizens who want to participate in the ride along program must sign.

Class I Criminal Misconduct Any violation of federal, state, tribal or local laws that can be addressed through the criminal justice process, either as a felony or a misdemeanor, including allegations of excessive force.

- A. Flagrant inattention to duty where potential danger to life or extensive damage to property is affected or substantial revenue is lost.
- B. Unauthorized or negligent use, damage, or loss of valuable government property, i.e., vehicles, aircraft, vessels, or other equipment), not including minor traffic accidents.
- C. Falsification of documents and false statements.
- D. False reporting.
- E. Improper association with informants.
- F. Retaliation/reprisal actions.
- G. Sexual offenses or harassment.
- H. Improper association/relationship with criminal elements.
- I. Refusal to furnish testimony or information in an official investigation, inquiry or other official proceeding.
- J. Unnecessary intentional discharge of a weapon.
- K. Unauthorized disclosure of classified or sensitive material or information.
- L. Use or possession of illegal drugs.
- M. Egregious safety violations.
- N. Security violations, including those relating to controlled or classified information.
- O. Prisoner mistreatment.
- P. Evidence mishandling.
- Q. Solicitation/acceptance of bribes or gratuities.
- R. Failure to promptly report a bribe offer.
- S. Any criminal, infamous, dishonest, immoral or notoriously disgraceful conduct prejudicial to the Government.

Class II Serious Misconduct Those criminal allegations for which prosecution has been declined and any non-criminal allegation which would be in violation of a federal government-wide, DOI, BIA or law enforcement agency standard of conduct, regulation, or policy, which is considered serious in nature. This includes, but is not limited to:

- A. Negligent or careless performance of assigned duties where an inspection, enforcement or other law enforcement agency function is substantially and/or negatively impacted.
- B. Failure to observe established policies or procedures in the apprehension or detention of suspects or violators.
- C. Failure to promptly report one owns arrest to supervisors.
- D. Failure to promptly report violation of laws enforced by the law enforcement agency.
- E. Failure to promptly report information concerning violations of any laws or serious misconduct by a law enforcement agency employee.
- F. Use of law enforcement position or identification, including badges and credentials, to coerce, intimidate or deceive, i.e., abuse of authority.
- G. Drinking or being under the influence of alcoholic beverages while on official duty.

Class III - Other Misconduct This includes, but is not limited to:

- A. Attendance matters, not involving other forms of misconduct.
- B. Negligence or careless performance of assigned duties.
- C. Covering up or attempting to conceal defective work.
- D. Failure to delay in carrying out orders, work assignments, instructions of supervisors, or insubordination.
- E. Interference with other employees in the performance of official duties.
- F. Failure to maintain a neat, clean and business-like appearance or to comply with uniform dress standards while on duty.
- G. Unauthorized outside employment or business activity.
- H. Discourteous or disrespectful conduct towards members of the public, co-workers or supervisors.
- I. Failure to honor just financial obligations in a prompt and timely manner.
- J. Borrowing/lending substantial sums of money in relation to fellow employees.



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Class IV - Administrative Misconduct Violations that are usually considered administrative in nature. These do not usually require an investigation by OJS, but are within the authority of the Special Agent in Charge. They include, but are not limited to:

Clothing and Equipment Record A DI-105 form used by the designated property officer to track BIA clothing and equipment.

Code 1 Normal response by a police vehicle obeying all laws and regulations.

Code 3 Units responding to Code 3 calls as the primary and back-up units respond rapidly to the location of the emergency, by most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.

Community Policing Law enforcement philosophy and strategy that stresses community partnerships, crime prevention, and problem solving.

Complainant (or Reporting Party) A person who reports the offense to any BIA officer.

Complaint Form A form on which a person may make a complaint against a law enforcement agency employee.

Confidential Informant (CI) A person who provides information to law enforcement about criminal activity, identity of suspects or location of suspects. An informant often provides the information in exchange for money or - in the case of an informant facing criminal charges - in exchange for some consideration on pending charge(s).

Consensual Interception of Verbal Communication The investigative use of electronic or mechanical means to secretly overhear, transmit, or record private communications when one or more of the parties to the communication is a federal law enforcement officer or one party is cooperating with a federal officer and has consented to the overhearing, transmitting, or recording of the communication. The consent of all parties is not required.

Contaminated Item Receptacle A sealed receptacle for the specific purpose of disposal of bio-hazardous materials.

Corrective Action Plan Work Book A document used by agency's to document their plan for becoming compliant with mandatory or non-mandatory standards.

Crime Prevention The anticipation, recognition, and appraisal of crime risks and the initiation of action to remove or reduce such risks.

Daily Field Activity Log (DFAL) A form on which officers record their daily activities.

Deadly Force Force which is intended to cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Defensive Weapon Weapons, such as mace and pepper spray, which are designed to incapacitate an attacker rapidly, allowing the subject to be restrained with minimal physical contact.

Dependent Child A juvenile who is without parent, guardian, or custodian or who is in need of special care and treatment required by a mental or physical condition and whose parent, guardian, or custodian is unable to provide the special care and treatment, or whose parent, guardian, or custodian desires to be relieved of care and custody, for good cause.

Discovery The judicial process for compelling production of written records or other evidence for use in litigation.

Domestic Abuse Any act or incident committed against an adult, or juvenile, who is a "family or household member" as defined below which is a crime under local law or which results in physical harm, bodily injury or assault, or the threat thereof, which places a person in reasonable fear of imminent physical harm or bodily injury.



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Electronic Control Device (ECD) Refers to weapons 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.

ECD Anti-Felon Identification (AFID) Small confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID contains an alpha numeric identifier unique to the specific cartridge used, allowing deploying officer identification.

ECD Air Cartridge Replaceable container that holds the probes, wire leads, AFID's, and pressurized cartridge.

ECD Probes Projectiles which will penetrate clothing and/or skin. The probes are connected to the ECD by high-voltage wire leads.

ECD Spark Display A non-contact demonstration of the ECD's ability to discharge electricity.

ECD Touch Stun A secondary function of the ECD to stun a subject by making direct contact with the body after the air cartridge has been removed or expended. Touch Stun causes significant localized pain in the area touched by the ECD but does not have a significant effect on the central nervous system.

Elder Abuse Domestic violence or abuse in which the victim is 60 years or older.

Emergency Driving The operation of an emergency vehicle in response to a life threatening or other serious incident (based on available information) that requires emergency equipment to be operable. Appropriate state and/or tribal code sections govern emergency responses.

Emergency Equipment Flickering, blinking, or rotating red, blue, or white emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.

Enforcement of a law includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

Excessive Force The use of force may be deemed excessive when its application is inappropriate to the circumstances resulting in unnecessary injury or death to a suspect.

Exonerated The investigation revealed that the alleged act(s) did occur, but the employee's actions were justified, lawful, and proper.

Family or Household Member A spouse, former spouse, parent, blood or adoptive relative, extended family member, persons related by marriage, or any persons residing together.

Field Interview Card (FI Card) A brief summary of a field interview, which includes but is not limited to, the name and identifying information of the person interviewed, the location of the interview, any pertinent information, and the name of the officer who conducted the interview.

Field Training Officer (FTO) A law enforcement officer who has met all the qualifications for FTO's, identified by the Indian Police Academy.

Final Disposition Report. A report of the final disposition of a case, completed by the originating officer. The originating case agent forwards copies to the SAC, and files the original form in the case folder. This report must have supervisory concurrence.

Firearms Any weapon from which a projectile is forcibly ejected by an explosive.

Fitness for Duty Determination A psychological evaluation of an employee's psychological fitness for duty. The criteria and methods used to determine fitness for duty are those used to evaluate an applicant's ability to perform law enforcement work prior to selection.

Fitness Test Results Form The form on which the results of the PEB test are reported.



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Frisk A limited protective search for concealed weapons.

General Assistance Counseling This type of counseling referral deals with situations in which an employee requires assistance with a problem which is not directly job related but which may have an affect on job performance, and during which the employee typically remains fit for duty.

Health and Fitness Program (HFP) The mandatory fitness program to evaluate current health and fitness levels and to develop baseline fitness information necessary to prepare an individual program.

High Risk Incidents The following types of law enforcement activities generate the major amount of civil litigation and are designated high-risk incidents: Uses of deadly and non-deadly force that result in death or bodily injury, vehicular pursuit resulting in personal injury or property damage, searches and seizures; physical arrests, failure to take enforcement action, and rendering of medical assistance.

High Risk Stop Any stop where there is reasonable suspicion leading officers to believe that the occupants of the vehicle have committed, or are about to commit a crime, or circumstances are present which lead officers to believe a potential risk to their own safety or the safety of the public may be present.

Impoundment The action of a law enforcement officer to seize and hold property for safekeeping.

In Camera Inspection Judicial inspection of allegedly privileged information to determine whether the need to present such information as part of the essential proof of the case outweighs the interest in maintaining its confidentiality.

Incident Command System A system designed for use when coordination between a number of different personnel, units, or agencies is required to ensure an integrated and effective response to major public safety events.

Indian Country As defined in 18 U.S.C. § 1151, Indian country means: Federal reservations, including fee land, Dependent Indian communities, and Indian allotments to which title has not been extinguished.

Indian Any person who is a member of an Indian tribe, or is recognized in his or her community as an Indian and is identified as an Indian.

Inspection An examination of a agency's performance, which is carried out by personnel assigned to the BIA Office of Justice Services. This process is also known as a program review or field audit. The inspection verifies the information provided in the self-audit or, if no self-audit has been completed, the inspection determines if the agency complies with established standards.

Inspection Workbook A structured inspection checklist, used by OJS, documents compliance and may become part of the Report of Inspection.

Intelligence Information Information describing circumstances, events, associations, alliances, or suspicious activity.

Intelligence Report Report documenting allegations of criminal activity, often providing specific names of individuals or locations.

Inter-agency Investigative Team An association of appropriate law enforcement agencies collaborating to investigate complex criminal cases.

Interrogation According to the Supreme Court, an interrogation includes express questioning or its functional equivalent, including any words or conduct on the part of police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to illicit an incriminating response from the suspect.

Interview As opposed to an interrogation, an interview may be construed as any conversation with a suspect, witness, victim, or other citizen.

Jurisdiction The sphere of authority and the territorial limits within which any particular authority may be exercised.



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Juvenile Any person under the age of 18 years. This is a person who has not attained his eighteenth birthday or, for purposes of juvenile court proceeding, a child less than twenty-one years of age who became the subject of a juvenile court proceeding before the child's eighteenth birthday.

Juvenile Detention The temporary care of a youth alleged to be delinquent, who requires secure custody in a physically restricting facility.

Juvenile Detention Facility A local confinement facility for the temporary care of juvenile offenders and juveniles alleged to be delinquent who require secure custody in a physically restricting facility for more than 24 hours.

Law Enforcement Agency Legal Counsel The United States Attorney/Solicitor/any licensed attorney hired by the governmental unit under which the law enforcement agency operates for the purpose of rendering legal advice or other legal services.

Law Enforcement Officers Police Officers and Special Agents and by extension their supervisors.

Less than Lethal Weapon Any weapon, device, or substance manufactured and intended for use by law enforcement or military personnel for the purpose of stopping, incapacitating or otherwise greatly reducing a person's or persons' abilities or will to resist a lawful arrest without causing serious bodily injury or death. Such weapons may include, but are not limited to: chemical sprays and foams, electrical "stun" devices, and weapons or firearms which fire or discharge low speed rubber and/or "bean bag" projectiles.

Local Child Protective Services/Agency Any agency of the federal, or state government, or of an Indian tribe that has the primary responsibility for child protection on any Indian reservation or within the Indian community.

Major Crime Any suspected felony crime against a person, to include: homicide, sexual assault, robbery, aggravated assault, kidnapping, or arson of a dwelling or occupied building.

Major Events Extraordinary occurrences related to natural or weather disasters, accidents, fires, or serious criminal events.

Man-made Disaster Any of the following conditions, including but not limited to: industrial or transportation accidents, explosion, conflagration, major power failure, resources shortage, or other condition such as sabotage, oil spills, and other injurious environmental contaminations which threaten or cause damage to property, human suffering, hardship or loss of life.

Master Training Roster A master list of the certification and re-certification dates of all employees in the agency that identify the dates by when re-certification of each employee must occur.

Memorandum of Agreement (MOA) A MOA defines the terms, conditions, and responsibilities of the parties to accomplish the mutual benefits identified in the MOA.

Memorandum of Understanding (MOU.) A MOU defines the terms, conditions, and responsibilities of the parties to accomplish the mutual benefits identified in the MO.

Misconduct Any of the following acts or omissions that could normally result in administrative or disciplinary action: the commission of a criminal offense, neglect of duty, violation of DOI, BIA, OJS or law enforcement agency policies, rules or procedures, conduct which may tend to reflect unfavorably upon the employee or the law enforcement agency.

Mission Statement A general statement, which describes the purpose of the law enforcement program and the philosophy or values by which it will be operated. It defines the purpose of the program, the statutory requirements and applicable standards under which it must be operated, and the program's responsibilities to the community.

Multi-Disciplinary Team A team established pursuant to 25 USC 3209 and 18 USC 3509 for the investigation and prosecution of child abuse cases. The team is composed of the U.S. Attorney (or other prosecutor), the primary criminal investigator, a representative of Child Protective Services, a medical professional, a juvenile counselor, and juvenile mental health specialist.



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Multi-functional Operations Specialized activities in which two or more functional units of the agency jointly carry out a single law enforcement activity.

Multiple Suspect Cases Cases that arise where more than one suspect has been named as having participated in or been aware of a crime.

Multiple Victim Cases Child abuse cases that arise in a setting where several children are at risk of being victimized by one or more of the offenders.

Mutual Aid Assistance that is provided to a law enforcement agency by a Federal, state, local, or tribal law enforcement agency when the Special Agent in Charge determines that the resources of the agency are not adequate to cope with the situation.

Natural Disaster Any of the following natural events, including but not limited to: hurricane, tornado, storm, flood high water, high winds, earthquake, drought, blizzard, ice storm, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life.

Neglected Child A juvenile who is abandoned by his or her parent, guardian, or custodian, or a juvenile who is without proper care because of faults or habits of the parent, guardian, or custodian, or a juvenile who is without necessary subsistence.

Neighborhood Watch The formal organization for residents to enable them to deter crime in their neighborhood by relying on their awareness of and concern for their fellow neighbors to detect or discourage suspicious or criminal activity.

Non-Deadly Force That force employed which is not intended to cause death or serious physical injury.

Not Sustained The investigation failed to disclose sufficient information to clearly prove or disprove the allegation.

Notice of Allegation A legal notice completed by the investigating office within 36 hours of a reported offense or allegation. A Notice of Allegation is used to open, transfer, and provide pending case information to appropriate officials and agencies.

Off-Duty Employment Off-duty employment is limited to those activities that do not require the use or the potential use of the employee's law enforcement powers.

Offense Any crime against the United States and includes a violation of a Federal regulation relating to part or all of Indian country.

Offense/Incident Report The form on which law enforcement agency's report offenses and incidents. It provides specific details.

OJS Notification Sheet A list of emergency notifications, including pager numbers, for the Office of Justice Services.

Person-activated Alarms An electronic means of notifying a law enforcement agency or monitoring agency that a robbery, burglary, fire or medical emergency is in progress. Alarms may be silent or audible.

Person Responsible for Child's Care The parent, guardian, teacher, school administrator, or other lawful custodian having either full-time or short-term responsibility for the care of the juvenile.

Personally Involved Situations in which an off-duty officer becomes engaged in a dispute or incident with a family member, friend, or person to be arrested or connected with the incident. This does not apply to situations where the officer himself/herself is a victim of a crime.

Physical Abuse Any physical injury, either intentionally inflicted or as a direct result of a violation of a federal, state or tribal law, inflicted by another person.



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Physical Efficiency Battery (PEB) Test The Federal Law Enforcement Training Center's measure of physical fitness. The PEB is a broad-spectrum test of physical fitness used by more than 60 federal agencies. It measures agility, strength, flexibility, percent of body fat, and cardiovascular endurance. This is a validated test of physical fitness used to determine both initial and annual physical fitness for duty.

Physically Active A physically active person is someone who participates in vigorous exercise (jogging, skiing, walking, swimming, stair-climbing, etc.) for a minimum of twenty minutes per day at least three times per week, and has done so for the immediate past two months or more.

Post-Traumatic Stress Counseling Professional assistance and counseling for employees that have experienced a traumatic incident.

Post-Traumatic Stress Disorder A psychological disorder that is triggered by involvement in a traumatic incident(s). The disorder may be triggered by a single serious incident or a series of lesser incidents over time. Symptoms include a variety of undesirable behavioral, social or emotional problems and may be short-term and self-limiting or long-term and very serious.

Preponderance of Evidence Overwhelming degree of relevant and incriminating facts. .

Pre-Service Training Mandatory training that occurs within the first year of a police trainee's employment; referred to as basic training or academy training. Successful completion of this training is a requirement for appointment as a law enforcement officer.

Primary (investigating) officer The officer, investigator or supervisor who assumes, or is directed to assume, the role of coordinating law enforcement activities during the preliminary stages of an investigation.

Primary Unit The police vehicle initiating a pursuit, or taking the lead position responsible for choosing the location for the stop, communication of the instructions to the suspects, and coordination of the arrest.

Public Property Defined as any roadway, street or public parking lot.

Pursuit Documentation Report A report completed to describe the circumstances of a pursuit.

Pursuit Driving Utilizing a police vehicle with lights and siren activated to pursue a fleeing subject that has committed a crime.

Qualified Firearms Instructors Personnel trained and certified to teach officers how to properly discharge a firearm.

Rapid Response Team (RRT) A group of officers trained in the use of special tactics and equipment to resolve major criminal events or to execute high-risk arrest or search warrants.

Reasonable Belief The facts or circumstances known by an officer before the application of force are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Reasonable Objective Basis Having more evidence for than against: An apparent state of facts and/or circumstances found to exist upon inquiry by the supervisor, which would induce a reasonably intelligent and prudent person to believe the employee was under the influence or using drugs/narcotics, reasonable ground for belief in the existence of facts or circumstances warranting an order to submit to a drug test.

Reasonable Suspicion An honest belief that some criminal activity is taking place or has taken place connecting the person under suspicion with the criminal activity.

Recruit A law enforcement officer who has been appointed, successfully completed Pre-Service training, but who has not yet completed probationary status.

Reduced Light Conditions that approximate the intensity and sources of illumination that are typically found during nighttime operations in the area in which the employee is assigned.



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Remedial Training Instructions directed at solving or curing a particular problem, or improving performance in a particular area, within a designated time and with clearly defined, expected results.

Report of Inspection Information compiled by OJS following a formal inspection of a agency. Validates the self-audit and makes additional contacts as required, such as contacts with other law enforcement agencies with concurrent or overlapping jurisdiction and the applicable prosecuting attorney's office.

Responsible Officer The officer or investigator with primary responsibility for investigating the case. Also, referred to as primary officer or assigned investigator.

Ride Along Observer Comments A form on which civilians that ride with an officer during their shift provide feedback.

Ride Along Report A form on which officers report ride along activities.

Roadblock Any method, restriction, or obstruction used or intended to prevent the free passage of motor vehicles on a highway. Used to apprehend an actual or suspected violator in a motor vehicle.

Runaway A juvenile who is not married or recognized as independent and is voluntarily absent from the home of the juvenile's parent, guardian, or custodian, without permission.

SAFE Weapons Guns that have been altered so that it would require a deliberate effort to make them capable of firing live ammunition.

Secondary Unit The secondary police unit is responsible for assisting the primary unit with the arrest and for coordinating other assisting units or officers.

Self-Audit An examination of the agency's performance that is carried out by administrative or management personnel who are assigned to the facility or agency. Self-audits are done annually as a part of the annual reporting, annual budgeting, or contract renegotiation process, as applicable.

Self-Audit Workbook The document that agency's use to complete their self-audit.

Serious Crime As used in the VWPA of 1982, this is a criminal offense that involves personal violence, attempted or threatened personal violence, or significant property loss.

Serious Felony A felony that involves an actual or threatened attack that the officer has reasonable cause to believe could result in death or serious bodily injury i.e., aggravated assault, armed robbery, murder, etc.

Serious Physical Injury Damage to ones body caused by a weapon, vehicle, or other object that causes serious and protracted disfigurement, or extended impairment of the function of any body limb or organ.

Sexual Abuse When a person is sexually exploited by an older or more powerful person for the satisfaction of the abuser's needs.

Sexual Assault Those offenses involving sexual penetration or contact with any person by force, fear, or intimidation, or any attempts to force sexual penetration or contact on any person are considered sexual assaults. Any forced sexual contact or unwanted sexual touching is a crime, whether persons are married or not. Indirect assaults include obscene phone calls, exhibitionism, and indecent exposure. Direct assaults include rape, incest, child molestation, sodomy, and attempts thereof

Sexual Harassment Per Title VII of the Civil Rights Act of 1964, sexual harassment is defined as the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for rebuked by the other employee. The behavior can be verbal or physical.



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Special Emergency Response Team (SERT) A team of specially trained investigators used to investigate cases of child abuse involving multiple victims, high profile issues, and sensitive or highly unique cases, such as those which involve employees in sensitive positions which require regular contact with or control over children, supervisors of these employees, program manager with responsibility for providing services to India children, and senior BIA officials. The purpose of the SERT is to minimize trauma to the children and the community affected by providing supportive services

Staffing and Workload Report A narrative that identifies current agency workload, shift relief factors and resulting manpower requirements. This report may be integrated in the Annual Report of the Special Agent in Charge.

Standard Accident Report A standard form, required by the state, to document crashes.

Standardized Child Abuse Report A Department of Justice mandated form, which is completed as part of an initial investigation and which contains the following information: the name, address, age, and sex of the child that is the subject of the report, the grade and the school in which the child is currently enrolled, the name and address of the child's parents or other person responsible for the child's care, the name and address of the alleged offender, the name and address of the person, who made the report to the agency, brief narrative of the nature and extent of the child's injury or the offense, including any previously reported, known, or suspected abuses of the child or the child's siblings and the suspected date of the abuse, and any other information the agency or the person who made the report to the agency believes to be important to the investigation and disposition of the alleged abuse.

Status Offense An act committed by a juvenile or child which is an offense only because it is committed by a juvenile.

Stop A temporary detention of a person for investigation. A stop occurs when an officer uses law enforcement authority either to compel a person to halt, to remain in a certain place, or to perform some act. When citizens reasonably believe that they are not free to leave the officer's presence, a stop has occurred.

Substantial Evidence That degree of relevant evidence that a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree. This is a lower standard of proof than Preponderance of Evidence.

Supervisor Both sworn and civilian employees assigned to a position having day-to-day responsibility over subordinates, or responsible for commanding a work element.

Supplemental Report Documentation of information received from all sources during follow-up investigations, or used when a number of officers participate in a single incident or event. The supplemental report is normally a narrative but may also have a report form attached when there are additions or changes to the information, e.g. name, date of birth (DOB), address, and phone number of a new witness.

Sustained The investigation revealed sufficient evidence to justify a reasonable conclusion that the accused employee committed the misconduct alleged.

Sworn Employee All sworn (commissioned) employees including ranking officers.

Tow In (Inventory) Report A report completed, documenting at a minimum: the case number, date and time of tow in, tow company, where the vehicle is located, whether the vehicle is to be processed or held, identifying marks or damage, vehicle description (make, model, year, VIN, license number, whether the vehicle is to be inventoried, and, if inventoried, items (number and description of) in vehicle.

Training by Non-Government Facilities and Agencies When properly authorized, training conducted by non-Government facilities and other Government agencies may be used to meet the recorded training needs of sworn and civilian law enforcement personnel.

Training Coordinator An officer/agent who is authorized to deliver and evaluate activities designed to achieve certain learning objectives. The training coordinator may have other duties.



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Training Record An official record which includes documentation of participation at all mandatory pre-service and in-service training, copies of all certifications, re-certifications, and a schedule of each employee's re-certification dates.

Training Report A report of annual training activities, including documentation of all training received by each employee to satisfy pre-service and in-service training requirements and certifications/re-certifications.

Training Sign In Sheet A form used to document the employee's participation at training.

Unfounded The investigation revealed conclusively that the alleged act(s) did not occur.

Unmarked Vehicle Any agency vehicle not painted or configured in such a way as to make it readily identifiable as a law enforcement agency vehicle.

Use of Force Report A written report required in the following situations: When a firearm is discharged outside of the firing range, when use of force results in death or injury, or when a less-than-lethal weapon is used.

Value Statement A statement, which describes the values or beliefs, which guide law enforcement officers' actions in the performance of their duties.

Vehicle Operator Report A vehicle maintenance log used to document repairs and routine purchases (Illustration 1).

Vehicle Pursuit The act of a peace officer in a motor vehicle chasing a known or suspected law violator who is attempting to flee or elude the officer and escape apprehension by use of a motor vehicle. The pursuit may involve speeding, evasive tactics, such as driving off the highway, making sudden or unexpected movements, or maintaining the legal speed but refusing to stop.

Victim The person against whom a crime is committed.

Victim/Witness Information (BIA-6835) A standard form on which officers provide information regarding victimization required under the provisions of the Victim-Witness Protection Act of 1982 and amendments.

Volunteer A person who donates time and effort to enhance the activities of the agency. Volunteers are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religious activities, etc. An auxiliary who performs services, for which he or she is appropriately certified or trained, without compensation.

Volunteer Application Form A form completed by an individual applying for a volunteer position that records personal data regarding that individual.

Volunteer Coordinator The Special Agent in Charge, Agency Supervisor or designee who has overall responsibility for the management of volunteers and the volunteer program.

Volunteer Job Descriptions Written descriptions of the jobs that can be carried out by volunteers.

Vouchering The Personnel Management process for validating, at a minimum, the following information on each applicant: Last three listed employers, all educational institutions listed, local law enforcement agencies in the vicinity of the applicant's residence within the last five years, and three personal references.

Warning and Assurance to Employee Requested to Provide Information on a Voluntary Basis Form. A form given to an employee who is requested to provide information prior to being interviewed as part of an internal affairs investigation.

Warning and Assurance to Employee Required to Provide Information Form. A form given to an employee who is required to provide information prior to being interviewed as part of an internal affairs investigation.

Witness A person who observed, or has information about, some part of the crime; or observed events leading up to, or occurring after, the crime; or has some knowledge which links a specific individual, item of evidence, or vehicle to a crime, or has knowledge related to motive for commission of a crime; or has knowledge which tends to be exculpatory.



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