

# LEECH LAKE TRIBAL POLICE DEPARTMENT



# DIRECTIVES MANUAL

*Effective Date: August 11<sup>th</sup>, 2017*

*Directives of the Leech Lake Tribal Police Department*

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## Leech Lake Tribal Police Department Operations Manual

### Introduction

A police department must attain and retain the confidence and respect of the community it serves to achieve true success. Leech Lake Band Law Enforcement Officers and Leech Lake Band Conservation Officers must work together, constantly striving towards the same objectives for us to achieve that success. This goal can be accomplished by the commitment of all our members to perform their duties and conduct themselves in a manner demonstrating the Leech Lake Band Police Department's importance to the well-being of the community.

One of the elements critical to maintaining public trust is our officers' unwavering commitment to the department's directives and procedures, which represent our contract with our community to serve in the manner specified. Directives and procedures cannot be precise and exact in every detail and cannot conceivably cover every situation a police officer may encounter. The directive manual provides our officers with guidelines they must follow to the best of their ability. This manual is divided into primary and non-primary directives; Chapter One contains all the primary directives and allows for the least amount of officer discretion. However, officers have discretion to deviate from directives when it is not possible to implement as written, or when the officer is able to articulate reasons indicating another course was required. Due to the variability of circumstances officers encounter, they must possess good judgment and common sense. Officers must abide by the Law Enforcement Code of Ethics and the directives and procedures of the Leech Lake Band Police Department.

### Our Mission

The Leech Lake Tribal Police Department – Mission Statement

The Leech Lake Band of Ojibwe Tribal Police Department is committed to a *loyal partnership of public service*, the prevention of crime and the preservation of the peace, safety and order within the Leech Lake Reservation.

We are committed to fostering an atmosphere of mutual respect with all citizens' civil liberties who we make contact by rendering service in a professional and courteous manner.

We instill officer dedication and pride by maintaining a quality work environment, along with effective training and leadership that will result in community based policing.

## *Directives of the Leech Lake Tribal Police Department*

We will provide the citizens of the Leech Lake Reservation a safe, crime free environment and promote positive family growth through effective law enforcement and community education.

### **Organization**

The Leech Lake Tribal Police Department is organized into work units and divisions to best serve our community. These divisions include:

#### **Dispatch**

Our dispatch center is open 24 hours per day, 7 days a week to respond to calls for service and assistance.

#### **Patrol**

Our Patrol Division consists of 16 Patrol Officers, two Patrol Sergeants and two Highway Traffic Safety Officers. We patrol in the housing communities and surrounding areas: Cass Lake area, Ball Club, Oak Point, Winnie Dam, Smokey Point, Inger, S. Lake, Onigum, Bena, Pennington, Sugar Point, Kego Lake and Battle Point.

We also assist the Cass County Sheriff, Itasca County Sheriff, Beltrami County Sheriff, Hubbard County Sheriff, Pike Bay Township and the Minnesota State Highway Patrol with incidents.

#### **Investigations**

Our Investigators specialize in a variety of Investigations. Our Domestic Violence Investigator focuses primarily on the education and prevention of domestic violence and the prosecution of those who commit crimes within the reservation. Our Criminal Investigator focuses primarily on prevention of crime on the reservation and the prosecution of those who commit crimes within the reservation, while our Narcotics Investigators focus on drugs, gangs, and firearms crimes within the reservation. Investigators work in conjunction with several federal agencies and the Minnesota BCA.

#### **Crime Victim Advocacy**

Our Crime Victim Advocate assists victims of general crime, and can assist with completing applications for Orders for Protection, and Restraining Orders.



**Community Service Officer**

Our Community Service Officer provides animal control resources, civil service process, and other duties assigned.

**School Liaison**

Our School Resource Officers provide a liaison to the Bug-O-Nay-Ge-Shig School, and the Cass Lake-Bena ALC, Elementary School. Both SRO's assist school administration to provide a safe and educational environment for their students.

**Methamphetamine Policing Coordinator**

The Methamphetamine Policing Coordinator educates people of all ages about the dangers of methamphetamine and other drugs. Informational booths and presentations containing information about Methamphetamine are some of the ways they accomplish this goal.

**Records Clerk**

Our records clerk is responsible for the monthly recording of calls for service and dissemination of reports requested from the public daily.

**Special Services**

**Domestic Violence**

Residents experiencing domestic violence are urged to speak with one of our officers about their situation any time of day. Female victims of domestic violence or abuse may contact Women's Services directly if they wish (218-335-3562).

Orders for Protection and Restraining Orders are available for through Leech Lake Tribal Court (218-335-3682).

National Domestic Violence Hotline: 1-800-799-SAFE (7233).

# Directives of the Leech Lake Tribal Police Department

## Prescription Drug Drop Box

A prescription drop box is provided in our lobby for the disposal of un-needed or expired prescription medications. Disposing of medications – especially painkillers and opiates – removes these gateway drugs from the home, making it less likely that family members will begin the spiral of abuse involving heroin and other narcotics. Removing prescription drugs from the home also reduces the risk of accidental overdose to children, while disposing of anti-biotics in this manner can preserve the quality of our groundwater. Leech Lake Tribal Police Department is proud to offer this solution to our residents.

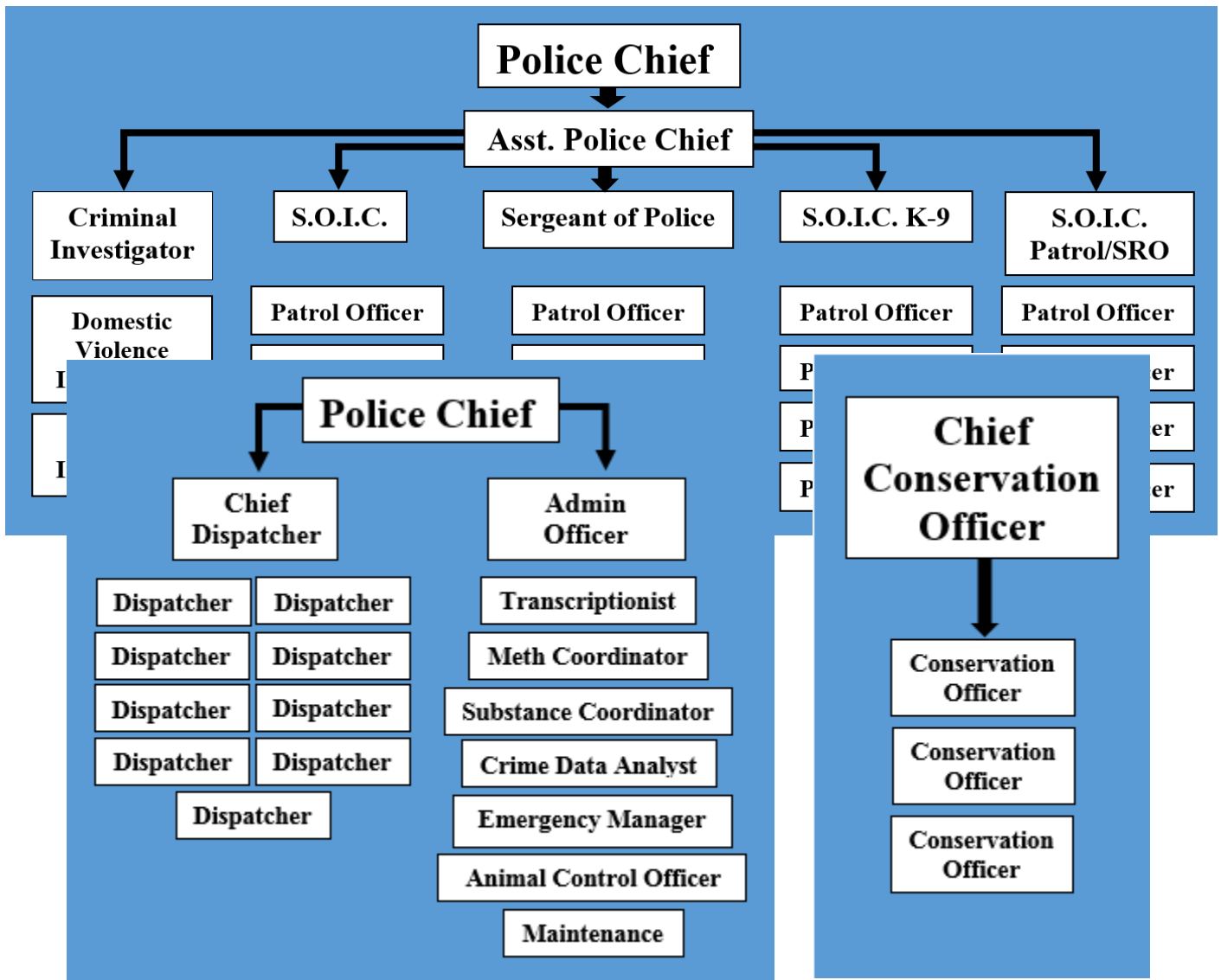
### Organizational Chart

The line of authority for the LLTPD is as follows:

**Leech Lake Band of Ojibwe Tribal Council**

**Executive Director**

**Chief of Police**



## General Scope of Directives & Procedures

The directives herein apply to all employees, both sworn and non-sworn, unless otherwise identified within the directive or procedure as a direct duty of an individual rank, specific position or individual operational employee. Certain grant-funded positions may require additional or different directives and/or procedures.

### **Basic Constructs**

Members are responsible for all content in this manual and should ensure they read and understand it in its entirety. Members should direct any questions regarding the meaning of a directive to their supervisor. Multiple directives may pertain to a single incident or course of conduct in which an officer engages. In many instances, directives identify other applicable directives with concurrent authority in specific situations as an aid to the department member. Whether or not a directive specifically references other applicable directives, the directives still apply.

Directives include specific language that can assist the officer in understanding what is required of them. Some of the key language the reader will encounter follow:

***Shall or must:*** Also, *shall not* or *must not*. These provisions are required of the officer. There is little or no discretion in such a directive. Officers may be faced with a situation requiring a different course of action, but the burden to establish the deviation from such a directive is clearly on the officer. The best course is for the officer to articulate in their report their action and the circumstances that required the deviation from directive. Officers may want to proactively advise their supervisor of such deviations and provide additional information.

***Should/should not:*** This is something the Department strongly desires the officer to do or not do. The Department recognizes that some discretion is required in these situations and provides the employee with the leeway to adapt to serve the public in the best manner possible. Once again, the burden to justify a deviation from a *should/should not* directive rests with the officer, but the bar is set lower than a *shall/shall not* directive.

***May:*** Officers and other department staff have considerable discretion in may statements. A *may* clause identifies the departments preferred response for its members, but recognizes these situations may require significant deviation to serve the public. At the very least, a *may* statement identifies a course of action the department would like the officer to consider taking, unless circumstances dictate otherwise. A *may not* clause differs in that its meaning is similar to *shall not*.

<b>DIRECTIVE 101</b>	<b>Use of Force</b>
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**Effective Date: 08-01-2017**

**PURPOSE**

The Leech Lake Tribal Police Department (LLTPD) recognizes and respects the value and integrity of each and every human life. Society acknowledges that its peace officers must at times use physical force to protect the lives of themselves and others, to maintain order, and accomplish the duties required of them by their oath and office. LLTPD officers are vested with the lawful authority to use force when necessary to protect themselves and the public, while carefully balancing societal and human interests. LLTPD officers are committed to employing tactics intended to reduce the incidence of force being required and to use techniques intended to de-escalate the incident to avoid the use of physical force whenever practicable.

**POLICY**

It is the directive of this department that its officers shall use ONLY the degree of force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of the suspect. It is also the directive of this department that its officer will de-escalate potential force situations when it safe and feasible to do so.

Every member of the LLTPD is committed to upholding the constitution and laws of the United States, the state of Minnesota, and the Leech Lake Tribal Nation, and to defending the civil rights and dignities of all individuals.

Specifically, this directive provides LLTPD officers with guidelines for the use of force and deadly force in accordance with: federal law, state law, tribal law, and court decisions.

**SCOPE**

This directive applies to all sworn officers of the Leech Lake Tribal Police Department engaged in the discharge of official duties, whether within or outside of the territorial limits of the LLBO.

**REFERENCES**

- |                             |                            |
|-----------------------------|----------------------------|
| Minnesota Statute § 609.06  | Authorized Use of Force    |
| Minnesota Statute § 609.065 | Justifiable Taking of Life |

## Directives of the Leech Lake Tribal Police Department

Minnesota Statute § 609.066	Authorized Use of Deadly Force by Peace Officers
Minnesota Statute § 626.8452	Deadly Force and Firearms Use; Policies and Instruction Required
Minnesota Statute § 626.53	Gunshot Wounds: Report to Department of Health
Minnesota Statute § 626.553	Gunshot Wounds; Peace Officers, Discharging Firearms, Investigations; Reports

### DEFINITIONS

- A. *Reasonable*: The reasonableness of a particular use of force is based on the totality of the circumstances known by the officer at the time of the use of force, weighing the actions of the officer against the rights of the subject, particularly in light of the circumstances surrounding the event. It is not judged on 20/20 hindsight, but rather from the perspective of a reasonable officer on the scene. Assessing the reasonableness of an officer's actions must include the fact that officers are often forced to make split-second decisions about their use of force under circumstances that are tense, uncertain, and rapidly evolving. In excessive force inquiries, the objective reasonableness of the officer's actions must be examined without regard to their underlying intent or motivation. To determine the reasonableness of a use of force incident, the following must be considered:
1. The seriousness of the crime or suspected offense
  2. The level of threat or resistance presented by the subject
  3. Whether the subject was posing an immediate threat to officers or a danger to the community
  4. The potential for injury to citizens, officers, or subjects
  5. The risk or apparent attempt by the subject to escape
  6. The conduct of the subject being confronted (as reasonably perceived by the officer at the time)
  7. The time available to an officer to make a decision
  8. The availability of other resources

## *Directives of the Leech Lake Tribal Police Department*

9. The training and experience of the officer
  10. The proximity or access of weapons to the subject
  11. Officer vs. subject factors such as age, size, relative strength, skill level, injury or exhaustion, or number of officers vs. subjects
  12. The environmental factors and/or other exigent circumstances
  13. Whether the subject has any physical disability
- B. *Necessary:* Officers will use physical force only when no reasonably effective alternative is available, and only then to the degree which is reasonable to effect a lawful purpose.
- C. *Proportional:* The level of force applied must reflect the totality of the circumstances surrounding the situation at hand, to be considered proportional. This includes the nature and immediacy of any threats posed to officers and others. Reasonable and sound judgment will dictate the force option to be employed by the officer, which does not have to be the same type or amount of force used by the subject. The level of force necessary, reasonable, and proportional may increase as the threat becomes more immediate or the chance that the threat will result in death or serious physical injury increases. To decide upon a proportional level of force to be applied, officers must rely on:
1. Training
  2. Experience
  3. Assessment of the situation
- D. *Bodily Harm:* Means physical pain or injury.
- E. *Great Bodily Harm:* Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
- F. *Deadly Force:* Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. Deadly force refers to the level of force used and its expected, intended, or reasonably likely resulting level of injury or fatality; it is not limited to the use of any specific weapon or tactic. At a

## *Directives of the Leech Lake Tribal Police Department*

minimum, officers shall consider the following acts to constitute deadly force:

1. The intentional discharge of a firearm in the direction of another person, or at a vehicle or building wherein a person is known or believed be; or
  2. Strikes intended for a person's head, neck, or throat; or
  3. The intentional restriction or compression of a person's throat or airway; or
  4. The intentional striking of a person by a vehicle, not including authorized vehicle contact techniques in vehicle pursuits.
- G. *Other Than Deadly Force*: Force used by an officer that does not have the purpose of causing great bodily harm or death and which does not pose a substantial risk of causing, death or great bodily harm; also referred to as *non-deadly force* in this directive.
- H. *Authorized Device*: A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:
1. Obtained training in the technical, mechanical and physical aspects of the device;
  2. Developed a knowledge and understanding of the law, rules and regulations governing the use of such a device
- I. *De-Escalation*: Taking action to stabilize a situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects when feasible, and thereby reduce or eliminate the necessity to use physical force.
- J. *De-Escalation Techniques*: Actions used by officers when safe and without compromising law enforcement priorities that seek to minimize the likelihood of the need to use force during an incident and increases the likelihood of gaining voluntary compliance from subjects.

De-escalation takes advantage of and relies upon many factors and elements, some of which are exemplified here:

## *Directives of the Leech Lake Tribal Police Department*

1. Communication or actions, such as tactical positioning, intended to provide time for additional officers or resources to arrive. These resources may include:
  - a) Tactical Teams
  - b) Non-lethal weapons
  - c) Officers or individuals trained in crisis intervention
2. The number of officers present
3. Removing persons from the scene whose presence may tend to agitate a subject or cause them to resist or risk “losing face” if they were to comply in front of them
4. Providing the subject with time to calm down and consider their voluntary compliance

### **PROCEDURE**

- A. Use of Force: When Authorized
  1. Officers shall only use reasonable force which is proportional to the threat or urgency of the situation to achieve a law enforcement objective.
  2. The force used must comply with federal law, state law, tribal law, court decisions, and the directives of the LLTPD. The force must stop once it is safe to do so and the threat is contained.
- B. Use of Force: When Prohibited
  1. An officer may NOT use physical force:
    - a) To punish or retaliate
    - b) Against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function
    - c) On restrained subjects (e.g. including handcuffed or contained in a police vehicle) except in exceptional circumstances when the subject’s actions must be immediately stopped to prevent injury,



## *Directives of the Leech Lake Tribal Police Department*

escape, or destruction of property. All such force shall be closely and critically reviewed.

d) Exception: subjects who are refusing to get out of a department vehicle may be removed from the vehicle after reasonable attempts to gain voluntary compliance have failed, subject to supervisor approval.

e) To extract a substance or item from inside the body of a suspect without a warrant

2. To stop a subject from swallowing a substance that is already in their mouth:

a) Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to prevent a suspect from putting a substance in their mouth.

b) In the event that a suspect swallows a harmful substance, officers shall summon medical assistance.

### C. De-Escalation

1. LLTPD officers recognize that voluntary compliance is preferable to force-based submission when confronting assaultive or resistive individuals.

2. De-escalation techniques shall be utilized in potential force situations where the officer is trained in their use and where they can be attempted without additional risk of injury to the officer(s), the subject(s), or others, when safe and feasible under the totality of the circumstances.

3. When time and circumstances reasonably permit, officers shall attempt to slow down the situation to stabilize the scene and allow for more time, options, and resources to become available for incident resolution. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

## *Directives of the Leech Lake Tribal Police Department*

4. Officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
  - a) Medical conditions
  - b) Mental impairment
  - c) Developmental disability
  - d) Physical limitation
  - e) Language barrier
  - f) Drug interaction
  - g) Behavioral crisis
5. An officer's awareness of the above possibilities shall be balanced against the facts of the incident when the officer decides which tactical options are most appropriate to bring the situation to a safe resolution.
6. Possible tactics to be utilized during de-escalation include, but are not limited to:
  - a) Placing barriers between uncooperative subject(s) and officer(s)
  - b) Containing a threat
  - c) Decreasing exposure to a potential threat by using distance, cover, and/or concealment
  - d) Utilizing practices such as verbal persuasion, advisements, and/or warnings
  - e) Avoidance of physical confrontation unless immediately necessary to, for example, protect a citizen, officer, or subject, or stop dangerous behavior
  - f) Utilizing verbal techniques to calm an agitated subject and promote rational decision making
  - g) Call in additional resources, such as more officers or less-lethal tools

## *Directives of the Leech Lake Tribal Police Department*

- h) Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject

### D. General Provisions Governing the Use of Force

1. Officers shall use the least amount of force reasonably necessary to subdue any person(s) without impairing the safety of others. This provision shall not be construed as requiring officers to first attempt using types and degrees of force which reasonably appear inadequate to accomplish the intended objective.
2. Protracted hand-to-hand confrontations pose a risk to the safety of the officer, the public, and the person being arrested or restrained. Thus, it shall be deemed reasonable for officers to use only such type and degree of non-deadly force as necessary to bring a person whom the officer intends to arrest or restrain quickly under control.
3. Every member of the LLTPD is committed to upholding the constitution and laws of the United States, the state of Minnesota, and the Leech Lake Tribal Nation and defending the civil rights and dignities of all individuals.
4. An officer may announce the intention to use force which is reasonably necessary to gain voluntary compliance by the subject of the intended force. Such a warning notifies other officers of the potential for the use of force and can warn others in the immediate area to seek cover.
5. This provision shall in no way be construed as authorizing or endorsing the use of disrespectful, discourteous, abusive or unprofessional language.

### E. Use of Deadly Force

1. It shall be the directive of the Leech Lake Tribal Police Department, unless expressly negated elsewhere by law or directive, to accord officers discretion in the use of deadly force to the extent permitted by Minnesota Statutes. Therefore, LLTPD officers are authorized to use deadly force only when necessary:
  - a) To protect the police officer or another from apparent death or great bodily harm; or

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- b) To affect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or
  - c) To affect arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.
  - d) An officer should give a verbal warning before using or attempting to use deadly force, unless giving such a warning would increase the risk of harm to the officer or others or is otherwise not feasible.
2. Whenever a Department member uses deadly force on another, regardless of the resulting injury, the Chief of Police shall commence an investigation into the circumstances surrounding the incident pursuant to LLTPD directive governing Critical Incidents.
- F. Use of Other Than Deadly Force
- 1. It is the directive of the LLTPD, unless expressly negated elsewhere by law or directive, to accord officers discretion in the use of other than deadly force to the extent permitted by Minnesota statutes authorizing police officers to use reasonable force when necessary:
    - a) To protect themselves or another from physical harm; or
    - b) In affecting a lawful arrest; or
    - c) In the execution of a legal process; or
    - d) In enforcing the order of the court (Tribal, Federal, State, County or municipal); or
    - e) In affecting any other duty imposed on the officer by law.
  - 2. Where deadly force is not authorized, officers are required to assess the incident to determine which non-deadly force technique or weapon will best serve to de-escalate the incident and bring it under control

## *Directives of the Leech Lake Tribal Police Department*

3. Police officers are authorized to use department-approved non-deadly force techniques and LLTPD-issued or authorized equipment for resolution of incidents as follows:
  - a) To restrain or subdue a resistant individual; or
  - b) To bring an unlawful situation under effective control to restore order.
  - c) Officers shall not intentionally use neck restraining or choke holds to subdue or control individuals.
4. Under no circumstances may an officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.
5. When an individual offers only passive resistance to arrest, an officer shall bodily remove and transport such individual with as much regard to the individual's safety and welfare as is reasonable, practical, and possible.

### **TRAINING**

All Department members authorized to use force in the course of their employment with the Leech Lake Tribal Police Department are required to complete annual training as specified in the MN POST Use of Force training mandate. The Department will assign approved instructors or identify authorized training providers for this training. Newly-hired employees must complete this training prior to being sworn in or otherwise authorized to begin enforcement duties. Initial and annual Use of Force training shall include training on or a review of this directive.

### **REPORTING**

All officers are responsible for explaining and articulating the specific facts which justify the officer's use of force. All officers who, in the course of their duties, use force on any subject are required to complete a Use of Force Report on the form provided by the Chief of Police for this purpose. A Use of Force Report is in addition to completing police reports, investigative reports, or any other report required by law or Leech Lake Tribal Police Department directive.

### **REVIEW**

## *Directives of the Leech Lake Tribal Police Department*

The Chief of Police is responsible for reviewing the Department's Use of Force and associated incident reports to monitor the use of force, decision-making, and weapons selection used by LLTPD officers. Regular monitoring of incidents in which force is used will maintain compliance with this directive and ultimately protect the lives and dignity of those people with whom the Department interacts. This procedure will also safeguard the safety and professional integrity of all Leech Lake Tribal Police Department personnel. The Chief of Police may delegate this authority to command staff and/or supervisory personnel.

<b>Sub-Directive 101.01</b>	<b>Authorized Weapons</b>
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**Effective Date: 08-01-2017**

### **I. PURPOSE**

Police officers have many tools available to assist them in their duties, including several weapons. Authorized weapons include firearms, impact weapons, electronic control devices, aerosol subject restraints, and several special purpose weapons. Additionally, officers may use any item available to them to protect themselves or others from injury or death. The intended purpose for all weapons used by Leech Lake Tribal Police Department (LLTPD) officers is not to inflict injury. Rather, it is to prevent injury to officers or others or to gain the compliance of individuals who are attempting to avoid arrest or escape custody, those who refuse the officer's lawful order, or those who refuse to comply with a lawful order of the court.

### **II. AUTHORIZATION**

- A. Officers may carry or use only those weapons authorized by the Chief of Police.
- B. Department personnel will carry, display, and use authorized weapons in compliance with applicable law and department directive.
- C. Pursuant to Minnesota law, and in keeping with the Leech Lake Tribal Police Department's commitment to preserving life and individual dignity, police officers are not permitted to use a particular weapon unless they are trained and qualified in its use. This does not prevent an officer from using any item available to them to defend themselves or others when necessary.

<b>Sub-Directive 101.011</b>	<b>Firearms</b>
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- A. Authorization

## *Directives of the Leech Lake Tribal Police Department*

1. Officers on-duty will carry only weapons and ammunition authorized by the Chief of Police. The Department will issue firearms to officers for on-duty carry and use. Officers may carry personally-owned firearms in place of and/or in addition to their issued firearm when authorized by the Chief of Police. Officers shall provide the Department with the manufacturer, caliber, serial, and model numbers of any non-department issued firearms they intend to carry on or off-duty.
2. Handguns carried by on-duty officers must be chambered for calibers 9mm or for calibers .40. Authorized barrel length shall be between 2 and 5 inches, inclusive.
3. On Duty Carry
  - a) The following handguns are authorized for on-duty carry:
    - (1) Glock .40 caliber: models 22, 23, or 27
    - (2) Other semi-automatic handguns when authorized by the Chief of Police
    - (3) Note: Any weapon authorized must be from a major manufacturer, unmodified from factory specifications, and designed for use as a police duty weapon. The weapon must be inspected, safety checked, and approved by the firearms instructor.
  - b) The following 12-gauge shotguns are authorized for on-duty carry:
    - (1) Winchester 1200
    - (2) Remington 870
    - (3) Mossberg 500
    - (4) Other shotguns when authorized by the Chief of Police
    - (5) Note: No shotgun barrel should be shorter than 18 inches
  - c) The following rifles are authorized for on-duty carry:
    - (1) M16A1 in .223 caliber
    - (2) M-4 Carbine in .223 caliber

## *Directives of the Leech Lake Tribal Police Department*

- (3) M-14 in .308 caliber
- 4. Off Duty or Backup Carry Handguns
  - a) Glock: model 43 in 9mm
  - b) Other semi-automatic handguns when authorized by the Chief of Police
- 5. Specialty weapons - The following specialty weapons are authorized for on duty use:
  - a) DPMS Kit Kat Carbine in .223 caliber
  - b) Bolt action or semiautomatic rifle in caliber .308 or 7.62x51
  - c) Note: Any person that carries a specialty weapon must have proper training and maintain a proficiency set by certified instructors and approved by the Chief of Police
- 6. Duty Ammunition – All officers shall be issued ammunition for handguns, shotguns, and rifles by the LLTPD. Only department-issued ammunition is authorized for carry and use both on and off duty. Authorized ammunition includes:
  - a) 9mm 147 grain hollow point
  - b) .40 caliber 180 grain hollow point (165 grain FMJ for training purposes only)
  - c) .223 55 grain soft tip or ballistic tip point boat tail match grade
  - d) 12 gauge 1 oz. hollow-point slug
  - e) 12 gauge, 9 pellet, 00 buck
  - f) .308 caliber 168 grain soft tip boat tail
- 7. Personally-owned firearms must be inspected by a certified firearms instructor or armorer authorized by LLTPD prior to being carried by an officer on-duty. The results of the inspection shall be attached to the officer's authorization form and a copy given to the Chief of Police.
- 8. Officers shall carry their personal firearm in a holster designed for the firearm and constructed to withstand the demands of police service.



## *Directives of the Leech Lake Tribal Police Department*

Holsters shall be maintained in operable condition with functioning snaps and safety features. Likewise, the holster must fit and be securely attached to the officer's duty belt.

### B. Manner of Use

1. Officers use of firearms represents the most lethal force option authorized and available. Given the potential for harm to the officers and others, no other duty imposed on them by law is subject to the regulation, oversight, and training specifications accorded firearms use.
2. Leech Lake Tribal Police Department officers will adhere to all Minnesota statutes, US Code provisions, binding case law, POST Board rules and mandates, and Department directive regarding firearms and their use. LLTPD officers will seek to avoid firearms use and the application of deadly force wherever possible, but will maintain themselves and their firearms in the highest state of readiness in the event they are placed in a position where they must be used.
3. Firearms Handling
  - a) Permitted discharges: In addition to situations where deadly force is justified and authorized, an officer may discharge a firearm under the following circumstances:
    - (1) During range practice or competitive sporting events
    - (2) To destroy an animal that represents a threat to public safety
    - (3) As a humanitarian measure when an animal is seriously injured; prior supervisory approval shall be obtained when possible
  - b) An officer shall not discharge a firearm under the following circumstances:
    - (1) As a warning shot.
    - (2) In a crowd (where innocent persons are may be in abundance)  
In a hazardous area (where flammables or gas are or may be

## *Directives of the Leech Lake Tribal Police Department*

present), except in a sudden emergency where the officer's life, or that of another, is in immediate jeopardy.

(3) At or from a moving vehicle, except in sudden emergency where the officer's life, or that of another, is in immediate jeopardy.

c) Display of Firearms - Officers shall not draw or exhibit their firearms in public, or point it at another person, unless they reasonably believe it is, or may become, necessary to use the firearm in conformance with this directive.

### C. Training Required

1. Sworn officers must qualify at least annually with all firearms they are authorized to use on-duty or for off-duty personal protection purposes. This requirement does not apply to personal firearms the officer carries off-duty solely for the purposes of hunting or recreational shooting.
2. Officers shall not carry firearms in public while they are formally relieved of duty, without approval from the Chief of Police.
3. Training: The LLTPD shall schedule regular training and qualification sessions for all authorized firearms per Minnesota Statutes governing firearms use by licensed peace officers. Department firearms instructors shall ensure that all firearms related training mandates promulgated by the Minnesota Peace Officers Standards Board (MN POST) are met throughout each year. All officers are required to complete mandated firearms training annually.
4. Newly appointed officers are required to complete all POST firearms related training mandates prior to being issued or authorized to carry a firearm on or off-duty in public.
5. Firearms instructors will ensure that annual firearms instruction includes at a minimum:
  - a) Legal issues when using force
  - b) Readiness aspects of use of force
  - c) Principles of firearms use

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- d) Firearm selection
  - e) Handgun range exercises
  - f) Use of firearms in low light and in adverse weather
  - g) Decision making (e.g., FATS, LaserShot, etc.)
  - h) Tactical/team coordination exercises
  - i) Other firearms range exercises
6. Officers who fail to receive a passing score on the initial or annual qualification with their duty weapon(s) must follow departmental testing procedures.
- a) An officer shall have two attempts on the first given date; should the officer fail both attempts on the first date, a second date shall be given within 14 days.
  - b) An officer shall be given two attempts on the second given date; failure of both shall result in the officer being temporarily assigned to non-enforcement duties until additional training is received and a passing score obtained.
  - c) Officers shall attend a minimum 24 hours of remedial firearms training and must pass one of two qualification attempts on the third given date.
  - d) Failure to qualify on the third given date shall result in officer's removal to non-enforcement duties or termination of employment with the LLTPD.
7. An officer who has taken an extended leave (8 weeks or more), or who suffers an illness or injury that potentially affects his/her firearms-related capabilities, will be required to re-qualify before returning to active enforcement duties.
- D. Reporting and Supervisors' Requirements
- 1. Whenever an officer discharges a firearm in performance of their police duties, they shall notify a supervisor as soon as conditions permit.

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2. The supervisor shall respond to the scene as quickly as possible and ensure aid has been rendered to injured persons if needed.
3. The supervisor shall take the steps necessary to secure the scene for evidence gathering and initiate an investigation into the circumstances related to the firearms discharge.
4. The officer or the supervisor shall complete a report of the incident, including a Use of Force report.
5. The supervisor shall then notify his/her superior officers and ensure the Chief of Police is notified.
6. These reporting requirements apply to all officers present at the time of the discharge. The following reports must also be made:
  - a) Pursuant to Minnesota Statute 626.53, Subdivision 2, upon receiving a report of a wound caused by or arising from the discharge of a firearm, the Chief of Police shall forward the information to the Department of Health.
  - b) Pursuant to Minnesota Statute 626.553, Subdivision 2, if a police officer discharges a firearm during the course of duty (except for training or disposition of injured animals), the Chief of Police must report the circumstances of the discharge within 30 days to the Bureau of Criminal Apprehension.

<b>Sub-Directive 101.012</b>	<b>Impact Weapons</b>
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The use of impact weapons shall adhere to directive governing the use of non-deadly force. Impact weapons shall be used only when efforts involving the use of lesser force have failed, or where it reasonably appears that such methods would be ineffective if attempted.

A. Authorization

1. Police Baton and Flashlight – An officer may use a police baton or flashlight as an impact weapon only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation. The Chief of Police may authorize other agency members to carry and use impact weapons.

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2. Only department personnel trained in the proper use of impact weapons are authorized to carry and use them.
  3. Officers may use any object at hand in place of an authorized contact weapon only in emergency situations to protect themselves or others. Such “improvised weapons” shall be used in a manner consistent with training and directive governing similar authorized impact weapons.
- B. Manner of Use - Impact weapons may be used only in the following manners:
1. Defensive: to block or ward off punches, strikes or kicks from another person.
  2. Restrictive: as a barricade to restrict a person’s movement, including use to restrain persons, or in appropriate crowd control situations to direct and control the movement of people.
  3. Offensive: to strike another person for purposes of preventing or diminishing their ability to assault the officer or another. Such use is subject to the following restrictions:
  4. Officers striking another person with an impact weapon should avoid strikes intended for body areas likely to result in serious injury or death, unless deadly force is authorized. Such areas include the head, neck, throat, armpits, solar plexus, elbows, ribs, posterior waist, kneecaps and ankles.
  5. Officers striking another person with an impact weapon should attempt to strike body areas likely to result only in temporary motor dysfunction. Such areas include arms, hands, thighs, shins, calves, upper back and buttocks.
  6. Additionally, officers may use impact weapons as a lever to manipulate limbs of resistant subjects into position for restraint application.
- C. Evaluation and Reporting Required
1. The officer and/or a supervisor must evaluate any person struck with an impact weapon regarding their need for medical care. They shall be taken to a medical facility for attention if required or if requested by the subject of the strike.

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2. Any officer striking a person with an impact weapon must submit a report to a supervisor providing details of the incident and impact weapon justification and use. The officer must also complete a Use of Force Report.

<b>Sub-Directive 101.013</b>	<b>Aerosol Subject Restraints (ASR)</b>
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The Leech Lake Tribal Police Department (LLTPD) has issued oleoresin capsicum (OC) aerosol restraint spray to provide officers with additional use of force options intended to reduce the likelihood of injuries to officers and others, and for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the directive of the LLTPD that officers use OC when warranted, but only in accordance with the guidelines and procedures set forth here and in the agency's use of force directive.

A. Authorization

1. Only approved chemical agents shall be used.
2. Only department members who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
3. Officers whose normal duties/assignments may require them to make arrests or supervise arrestees shall be required to carry OC while on duty. Other department members may be authorized to carry and use OC by the Chief of Police.
4. Uniformed officers shall carry OC canisters in the prescribed manner on their duty belt or readily available in their assigned squad vehicle. Non-uniformed officers may carry OC in alternative devices as authorized by the agency.

B. Manner of Use

1. OC is considered a low-level force technique that may be employed when verbal compliance tactics or de-escalation techniques are, or are likely to be, ineffective.
2. Whenever practical and reasonable, officers should issue a verbal warning prior to applying OC to a suspect.
3. An officer may use deadly force to protect himself/herself from the use or threatened use of OC to be used against them, when the

## *Directives of the Leech Lake Tribal Police Department*

officer reasonably believes that deadly force will be used against him/her, if he/she were to become incapacitated.

4. When a person subject to OC application becomes incapacitated or is effectively restrained, further application of OC is no longer justified.
  5. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the area of the spray.
  6. An officer should maintain a safe distance from the suspect of between two and ten feet.
  7. A single application lasting between one and three seconds should be directed at the suspect's face and/or upper torso area. Additional applications may be used if prior applications are ineffective.
  8. Use of OC should be avoided, when possible, under conditions where it may affect innocent bystanders.
  9. Chemical agents shall not be applied to any person for the purpose of affecting punishment or retribution.
- C. Evaluation and Care of Subjects
1. Within several seconds of being sprayed by OC, a subject will normally display symptoms of temporary blindness, have difficulty breathing, burning sensations in the throat, nausea, lung pain, and/or impaired thought processes.
  2. The effects of OC vary among individuals. Therefore, all subjects should be handcuffed as soon as possible after being sprayed. Officers should be prepared to employ other means to control the suspect if the suspect does not respond sufficiently to OC
  3. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
  4. Exposure to moving air will normally begin reducing the effects of OC spray within 15 minutes of OC application. Officers shall assist restrained suspects by rinsing and pat-drying the exposed area if the subject requests it.
  5. Immediately after spraying a suspect, officers shall be alert to any indications that the individual requires medical care. These

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indications may include excessive or prolonged breathing limitations, excessive gagging, profuse sweating, obvious allergic reaction and/or loss of consciousness. Upon observing these or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.

6. Suspects sprayed with OC shall be monitored for indications of medical problems and shall not be left alone while in police custody until the effects of the OC application have diminished.
  7. The subject shall be interviewed and inspected not less than 30 minutes nor more than one hour after exposure. The subject shall be offered medical attention after exposure and prior to any transfer to jail facilities or release.
  8. Assistance shall be offered to any individuals accidentally or incidentally exposed to OC spray.
- D. Reporting Procedures
1. All enforcement-related applications of OC spray to any individual, whether intentional, accidental, or incidental, shall be reported to the officer's immediate supervisor as soon as possible.
  2. A Use of Force Report shall be completed following all discharges of OC spray on or toward a person, except during testing, training, malfunction or accidental discharge.
- E. ASR Inspection and Replacement
1. All department members issued OC spray devices shall maintain them in accordance with the manufacturer's recommendation. Requesting replacements for damaged, inoperable or empty devices is the responsibility of officers to whom it is issued.
  2. Replacement of OC spray canisters shall follow the recommendation of the manufacturer.
  3. Unexplained depletion of OC canisters shall require an investigation and written report by the officer's supervisor.



<b>Sub-Directive 101.014</b>	<b>Tactical Chemical Agents &amp; Diversionsary Devices</b>
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Tactical Chemical Agents (TCA) include chemical irritants similar to ASR's, but are typically delivered in larger quantities using projectiles, large aerosol projectors, and/or hand thrown dispensing canisters. TCA's are useful tools when addressing barricaded subjects or large crowds.

Diversionsary devices are typically hand thrown devices that detonate with loud report, bright flash, and concussive effect. These devices serve to distract, startle, and disorient subjects of impending police action thereby diminishing their ability to resist or flee.

A. Authorization

1. Officers may possess, carry or use only those Tactical Chemical Agents or Diversionsary Devices authorized by the Chief of Police.
2. Officers must be trained in the use, deployment, delivery method, and effects of the TCA or Diversionsary Device prior to their use. Only officers certified in the delivery of the TCA or diversionsary devices may use or carry such items.

B. Manner of Use

1. TCA projectiles may be discharged only upon order of a supervisor. When such projectiles are used, all affected persons must be taken to a medical facility for proper attention, and a report just be submitted to a supervisor prior to going off duty.
2. Officers shall exercise care to ensure that only intended persons and locations are subjected to the application of chemical agents.
3. Officer shall exercise care when deploying diversionsary devices, and consider potential hazards associated with their use (e.g., spaces, fire hazards).
4. When time permits, a preplan should be completed and provided to the supervisor before the delivery of chemical agents. The preplan should minimally include:
  - a) The reason for deployment
  - b) The intended area of the deployment
  - c) The number of targets to be effected

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- d) The approximate size and nature of the deployment are
- e) The amount and, type of Tactical Chemical Agent to be used
- f) The delivery method
- g) Additional risk factors present.

### C. Evaluation and Care of Subjects

1. After the individual on which chemical spray has been used is subdued and under control, the individual must be given an opportunity to flush the affected areas with fresh air and/or water.
2. Officers should follow the first-aid, recovery, and decontamination procedures provided by the manufacturer of the device and agent utilized.
3. Officers may refer to the Evaluation and Care guidelines specified for ASR's in this directive for additional information.
4. Medical personnel should be notified of the number of subjects and the type of agent used to allow them to protect themselves from exposure and to prepare for de-contamination procedures.

### D. Reporting Procedures

1. All enforcement-related deployments of TCA's or Diversionary Devices, whether intentional, accidental, or incidental, shall be reported to the officer's immediate supervisor as soon as possible. The supervisor shall cause the report to be forwarded to the Chief of Police.
2. A Use of Force Report shall be completed following any deployment of TCA or Diversionary Device at or toward a person, except during testing, training, malfunction or accidental discharge.

### E. Inspection and Replacement

1. The certified officer assigned to oversee TCA and Diversionary Devices shall maintain them in an operational and charged state. Replacements for damaged, inoperable, or empty devices are the responsibility of the assigned officer.

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2. Replacement of large spray canisters shall occur whenever any amount of the TCA is used. The contents remaining in partially used dispensers may be utilized for training exercises or disposed of pursuant to the manufacturer's directions.

<b>Sub-Directive 101.015</b>	<b>Electronic Control Devices</b>
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The Electronic Control Device (ECD) is a non-lethal tool that uses propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system to overcome a subject's physical resistance to an officer's lawful order to submit to arrest or detention, or to stop or prevent criminal behavior. The Leech Lake Tribal Police Department (LLTPD) recognizes the ability of an ECD to effectively control subjects at reduced risk of injury to the officer, the subject, and others and is therefore in keeping with the Department's commitment to preserving human life and the dignity of all persons.

The ECD is a law enforcement tool and is not intended to replace firearms or other self-defense techniques or weapons. The ECD may be used to control a dangerous or violent subject when deadly force does not appear justified and/or necessary; or when attempts to gain a subject's compliance by verbal commands, escort holds or other hands-on techniques have been or are likely to be ineffective; or there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject. ECD's are not intended to be a preferred response to an incident where deadly force is justified, however they may be used in those situations when doing so does not place the officer or others at greater risk of suffering significant injury, great bodily harm, or death.

A. Authorization

1. Sworn officers may carry ECD's that have been approved for use by the Chief of Police. The Chief of Police may authorize other department members to carry and use ECD's at his/her discretion.
2. Department personnel who are assigned to carry or use an ECD may do so only after receiving training on its use, as specified in this directive.
3. The Taser X26 is approved for use by LLTPD officers (subject to model updates and availability).
4. Uniformed officers shall carry the Taser on their person whenever they are on-duty and when the Tasers are available. Plain-clothed

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officers are encouraged to keep a Taser readily available while they are on-duty.

5. Officers should carry the Taser fastened securely on their duty belt in the issued Taser holster. The Taser should be carried on the side of the body opposite of their issued firearm.

- B. Manner of Use - The ECD may be used as necessary to overcome physical resistance or non-compliance encountered by officers in the discharge of an official duty where it is believed that the use of a less obtrusive method would either allow the individual to escape, or would reasonably expose the officer or others to physical injury.

1. Authorized Uses

- a) In either direct contact (drive stun) or projectile mode.
- b) As a warning device or intimidation tool to gain compliance with a legal verbal command but only in circumstances where the ECD use is authorized by this directive.
- c) To subdue animals for the purpose of animal control.
- d) During Department-authorized training.

2. The Electronic Control Device may not be used:

- a) In an unlawful manner
- b) As an interrogative device either through application or threat thereof
- c) On handcuffed or restrained subjects unless necessary to prevent escape or other assaultive behavior
- d) On women known to be pregnant, unless all other means, short of lethal force have been used
- e) In any public or private setting for demonstration or displayed purposes, except under the following circumstances:
  - (1) The use is specifically approved by the Chief of Police or;
  - (2) The use is part of an official instruction course conducted by a certified Taser training instructor

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- f) To threaten, harass, coerce, taunt, or abuse anyone
- g) In areas where there are concentrations of combustible materials
- h) On non-viable contact areas. However, this does not expose the officer or others to an unreasonable level of risk or harm merely to avoid these areas. An officer's safety and that of other officers and civilians is of primary concern.
- i) The Taser shall not be used when the subject is in danger of falling from a significant height, unless deadly force is justified.
- j) The Taser shall not be used when a subject is in water where drowning is a possibility, unless deadly force is justified.

### C. Application

1. Officers should announce their intent to use the ECD prior to its deployment if practical, both as a warning to other officers and to provide a last chance for the subject to comply with verbal directives.
2. Officers should be aware of the maximum effective distance of the Taser cartridge they are using.
3. The Taser will cycle for a period of 5 seconds, but may be turned off sooner as the situation warrants. The unit can be cycled longer by continuing to depress the trigger. This can allow the officer to maintain control of resistive subjects until they are restrained. Officers shall re-evaluate the subject's ability and intent to continue resisting before applying subsequent cycles.
4. Officers shall restrain the subject as soon as possible after Taser deployment.

### D. Subject Evaluation and Care

1. Do not remove a probe if the shaft is too deeply imbedded, or is in a sensitive area such as the eye, neck, head, female breast or groin. In such cases the subject shall be transported to a hospital for medical care and probe removal.
2. Depending on the penetration and the location of the darts and the gender of the subject, officers must make every reasonable effort to have any dart impact areas on the subject's person photographed. If

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the subject is of the opposite gender of the officer, and taking of the photographs would require removal of clothing that would expose the breasts, buttocks or genital areas, same-gender arrangements for photographing shall be made if possible.

3. Once the probes have been safely removed, the puncture site can be treated with a sanitizing element and a bandage. Officers shall offer further medical care to the subject.

### E. Documentation

1. Officers are required to fully document the use of the Taser in a narrative report in accordance with the Department's Use of Force and report writing directives.
2. Officers must also complete a "Taser Use Report" for statistical purposes (must complete a report for both Taser use and deployment).
3. Officers shall log the expended cartridge(s) into evidence. If the ECD is used to subdue a subject, officer(s) shall complete both an incident report and a Use of Force Report.
4. When practical, take photos of where the probe(s) contacted the subject.
5. The used Taser cartridge and probes shall be gathered and entered into evidence. The probes shall be handled in accordance with biohazard materials. The probes should be sprayed with a bleach solution or wiped with an alcohol swab before being inverted and placed into the portals of the spent Taser cartridge. The probes will then be secured in place using tape. When possible, collect several Aphids and include them with the cartridge in evidence.
6. Officers will note the serial number of any Taser used when the probes are fired at a subject and contact is made, or if the Electronic Control Weapon is used in a drive stun mode.
7. Officers must download video, if available, from the Taser Cam and print the information documenting the Taser is deployment include it with the report.

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8. Officers shall provide a copy of the Taser Report to the officer assigned to maintaining Taser records.
- F. Training
1. All officers must be trained and certified in Taser use by a Certified Taser Instructor prior to carrying or using a Taser.
  2. Officers must successfully pass the required examinations.
  3. Each officer must be subject to a minimum of 3-second burst of the ECD to be used.
  4. Officers shall learn how to detain target subjects while device is still active.
  5. Taser-certified officers must be re-certified annually.

<b>Sub-Directive 101.02</b>	<b>Response, Review &amp; Reporting of Use of Force Incidents</b>
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**Effective Date: 08-01-2017**

- A. Critical Incidents - Events that involve significant risks, serious consequences, and occur with comparatively low frequency. Incidents of this type can have long lasting effects to the officers and others involved, and often have far reaching community impact. The Chief of Police has the discretionary authority to determine those incidents he/she considers Critical Incidents.
- B. Department Response on Deadly Force Incidents
1. Where a police officer's use of force causes death, the officer shall be placed on administrative leave during internal investigative requirements, and until it is determined by a mental health professional that the officer is ready to return to duty.
  2. The Department will ensure the completion of both an administrative and criminal investigation of the incident.
- C. Critical Incident Review
1. The Incident Review Committee, as conveyed by the Leech Lake Tribal Police Department, Chief of Police, will review the use of force involving a weapon or resulting in death or injury. This review will

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include all paperwork including the Use of Force Reports, for purposes of determining if:

- a) The force used was necessary and within the Department directive.
  - b) Training needs should be considered.
  - c) Directive changes should be considered.
  - d) Written findings and recommendations will be forwarded to the Chief of Police.
2. The notification and reporting requirements apply to all officers involved in the following situations:
- a) When an officer discharges a firearm outside the firing range (not to include recreational or animal destruction incidents)
  - b) When use of force results in a death or injury.
  - c) When any non-lethal weapon is used on a person.
  - d) When force is used beyond routine escort procedures to control a resisting combative subject.
  - e) When any Department action results in non-employee injury or death.
  - f) When innocent by-standers were affected by the use of force.
3. A supervisor will immediately be summoned to the scene and will comply with investigation procedures as required by the Department:
- a) When a firearm is discharges outside of the firing range, excluding routine situations such as destroying animals; or
  - b) When Use of Force results in death or serious bodily injury.



<b>DIRECTIVE 102</b>	<b>Physical Restraints</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The Leech Lake Tribal Police Department (LLTPD) recognizes the value in restraining resistive and potentially resistive subjects for their safety as well as the safety of LLTPD personnel and other persons. Subjects are restrained to reduce their ability to harm officers or others. Many subjects are transported in police vehicles by a lone officer, at times over significant distances to detention facilities. During the time it takes to complete these transports, even compliant subjects may become resistive. The officer's primary responsibility during transport is to operate the motor vehicle in a safe manner. Having an unrestrained subject who become resistive during transport could result in an incident causing serious injury or death to the subject, the officer, and others.

**II. POLICY**

It is the directive of this Department that all persons arrested or lawfully detained should be handcuffed as soon as possible after the decision to arrest or detain has been made. Further, Leech Lake Tribal Police Department personnel should use only that level of restraint necessary to protect the subject, the officer(s), or others from injury. Restraints are also authorized to prevent criminal activity when necessary. All personnel authorized to carry and apply restraints are required to be trained prior to doing so and annually thereafter.

**III. REFERENCES**

Minnesota Statute § 609.06	Authorized Use of Force
Minnesota Statute § 629.32	Minimum Restraint Allowed for Arrest

**IV. SCOPE**

This directive applies to all sworn officers, conservation officers, and other personnel of the Leech Lake Tribal Police Department engaged in the discharge of official duties requiring them to make arrests or detain persons. Non-sworn members of the agency authorized to carry and apply handcuffs or other restraints shall follow directive provisions directed to sworn officers regarding restraint application. This directive applies to LLTPD personnel whether they are within or outside of the territorial limits of the LLBO.

**V. PROCEDURE**

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- A. Hand Restraints
  - 1. Officers shall inspect their assigned handcuffs frequently and maintain them to ensure their proper working order. In particular, officers shall ensure the ratchet strap moves freely, the handcuffs lock and double lock securely, and unlock easily. Only authorized handcuffs shall be used by officers, and include metallic handcuffs manufactured by Smith & Wesson (S&W), Peerless, ASP, and/or Safariland. However, all handcuffs must use a common key.
  - 2. Handcuffs should be applied to restrain the person's hands and arms behind their back wherever possible. Some individuals, due to size or physical restrictions, require handcuff application in their front. In those cases, the officer should pass the handcuffs through the subject's belt (if worn) to further restrict their arms. Officers should exercise a high level of alertness due to the risks involved with handcuffing in front.
  - 3. Some large individuals, or those with physical restrictions, may be handcuffed behind their back using two sets of interlocked handcuffs.
  - 4. Once handcuffs are applied, the officer shall check for proper fit and activate the double-locking mechanism.
  - 5. The officer shall ensure that he/she has a handcuff key in their possession while supervising persons so restrained.
- B. Plastic Restraints
  - 1. When the officer is using plastic hand restraints, the officer shall carry a removal device. Only department-authorized plastic hand restraints shall be used by LLTPD personnel.
  - 2. Officers faced with an emergency situation may use other items, such as cable ties, belts, or rope, as temporary restraints to protect themselves or others from injury. The officer shall replace these improvised restraints at the earliest opportunity with those authorized by this directive.
- C. Leg Restraints – Metal ankle cuffs (shackles) shall be checked periodically and prior to each application to ensure proper working order. Officers shall ensure that the ratchet strap moves freely, the locking mechanism

## *Directives of the Leech Lake Tribal Police Department*

and double locking features operate properly, and that the cuffs unlock easily.

- D. Strap, Rope, Tie – In cases where restrained individuals continue to resist or attempt escape, potentially causing injury to self, others or property, a strap, rope, or tie may be used during transport. In the event this becomes necessary, the following guidelines will be followed:
  - 1. The rope, strap, or ties shall be connected between the lower leg/foot area and the hands. Ideally, the rope, strap, or tie will be secured to the chain links between the wrist cuffs and then wrapped around the lower leg or ankle area.
  - 2. The officer supervising the subject's custody shall monitor them for an open airway and free movement of the chest area. Officers shall not place, or allow the subject to remain, in a position that restricts respiration.
  - 3. The strap shall be removed once the individual becomes compliant and is deemed unlikely to resist further.
  
- E. Hood – A transport hood shall be used when the restrained individual spits or threatens to spit on transporting officers or others. The hood shall be of cloth of the type to allow respiration and the subject's airway shall be monitored while a hood is in place. The subject's shirt may be used as a hood, provided the material allows respiration. Officers should refrain from using a subject's shirt when removing it would expose any portion of the individual's body protected from public view by statute, ordinance, or known cultural custom.
  
- F. Neck Restraints and Other Unusual Methods Prohibited
  - 1. The use of restraints that restrict, apply pressure to, or otherwise involve a subject's neck involve the risk of causing substantial bodily harm or death and are prohibited unless necessary to protect the officer or another from great bodily harm or death.
  - 2. Officers shall not apply other restraining techniques to a person that is intended or likely to restrict respiration, cause significant injury, or punish the individual.

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3. Officers shall not apply restraints for the intended purpose of “making a point,” “teaching a lesson,” or to cause the subject experience pain or injury. Officers shall not restrain subjects for the purpose of causing public embarrassment or humiliation.
4. Officers shall not apply restraints not authorized in this directive unless necessary to prevent harm to the officer or others, or damage to property, and then only until restraints authorized by this directive can be applied.

### **VI. TRAINING**

All Department members authorized to carry or apply restraints as part of their employment with the LLTPD are required to complete annual training in their use as specified in the MN POST Use of Force training mandates. The Department will identify or assign approved instructors or providers for this training. Newly hired employees must complete this training prior to being sworn in or otherwise authorized to begin enforcement duties. Initial and annual training on restraints shall include training on or a review of this directive.

### **VII. REPORTING**

Any officer or other Department member who applies restraints to any individual shall note the fact that restraints were applied, the type of restraint(s) used, and whether the officer checked the fit of the applied restraints, if the double locking mechanism was activated, and any exceptions to directive. This information may be reported in either the incident report or on the Use of Force Report.

<b>DIRECTIVE 103</b>	<b>Vehicle Pursuits</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The primary purpose of this directive is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this directive is to minimize the potential for pursuit-related collisions.

**II. POLICY**

The risks and potential consequences inherent in the pursuit of a fleeing motor vehicle require reasonable restrictions to balance the risk posed by the pursuit to the public with law enforcement's duty to enforce laws, prevent crime and apprehend violators. It is the directive of this department to engage in the pursuit of a fleeing motor vehicle **ONLY** when the benefits of immediate apprehension outweigh the risks to public safety created by the pursuit. The following procedures are established to define the situations under which pursuits are authorized and to identify factors an officer must consider in deciding whether to commence, continue or terminate a pursuit.

The decision to pursue a fleeing motor vehicle is one of the most critical decisions made by an officer, and one that must be made quickly and under difficult and unpredictable circumstances. Recognizing the potential risk to public safety created by the pursuit of a fleeing motor vehicle, it is the directive of this department that no officer or supervisor shall be criticized or disciplined for a decision not to engage in a pursuit of a fleeing motor vehicle, or to terminate an ongoing pursuit based on the risk involved, even in circumstances where this directive would permit the commencement or continuation of the pursuit. Likewise, officers who conduct pursuits consistent with this directive shall be strongly supported by the Department in any subsequent review of such actions.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department, whose duties include the requirement or authorization to pursue and apprehend violators, while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. DEFINITIONS**

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- A. *Blocking or vehicle intercept:* A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.
- B. *Boxing-In:* A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
- C. *Primary unit:* The first pursuit unit in the group of pursuing units. This is typically the pursuit unit that initiated the pursuit.
- D. *Pursuit Countermeasure:* An affirmative stop tactic employed to force a pursuit to a conclusion by disabling or blocking further movement by the fleeing vehicle. Tire spikes, ramming, boxing-in, and roadblocks are examples of countermeasures.
- E. *Pursuit Intervention Technique (PIT):* A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop. This tactic is not authorized for use by LLTPD officers.
- F. *Pursuit unit:* An authorized emergency vehicle driven by a peace officer engaged in or assigned to a pursuit.
- G. *Ramming:* The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop. This does not include PIT.
- H. *Roadblocks:* A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle. This tactic requires proper location, placement and advance warning to the violator to be considered reasonable.
- I. *Secondary unit:* Police pursuit units involved in the pursuit, other than the primary unit.
- J. *Spikes or stop sticks:* A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle. Also referred to as *road spikes, tire spikes, or tack strips.*

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- K. *Vehicle pursuit*: An event in which a peace officer initiates a vehicle stop and a driver resists the signal or order to stop by increasing speed, taking evasive action or otherwise refusing to stop the vehicle.

### **V. PROCEDURE**

#### A. Officer responsibilities

1. Officers engaging in a vehicle pursuit shall only do so while driving an authorized emergency vehicle with at least one flashing red warning lamp visible from the front and its siren activated.
2. Officers engaged in vehicle pursuits are required to drive with due regard and caution for the safety of all persons using the roadways.

#### B. When to initiate a pursuit:

1. Officers are authorized to initiate a pursuit when it is reasonable to believe a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.
2. Officers shall consider the following factors individually and collectively when deciding to initiate or continue a pursuit:
  - a) Seriousness of the known or reasonably suspected offense and its threat to public safety.
  - b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, un-involved motorists and others.
  - c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety)
  - d) The identity of the suspect is known and there is comparatively less risk in apprehending the suspect at a later time.
  - e) Safety of the public in the area of the pursuit, including the characteristics of the area (e.g., residential vs. commercial, school zone), time of day, the amount of vehicular and pedestrian traffic, and the speed and aggressiveness the subject of the pursuit relative to these factors.

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- f) Pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between pursuing units, dispatchers and supervisors.
  - g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
  - h) The driving capabilities of the pursuing officers under the pursuit's conditions.
  - i) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
  - j) Vehicle speeds.
  - k) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages)
  - l) Age of the suspect and occupants.
  - m) Availability of other resources, such as aircraft assistance.
  - n) The department vehicle is carrying passengers other than on-duty officers. Pursuits should not be undertaken with a prisoner in the pursuing vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in the transport, and then only until another police vehicle is able to assume the pursuit. A unit containing more than a single prisoner should not participate in a pursuit.
3. When to terminate a pursuit
- a) Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. Officers and supervisors should continuously apply the decision process required in this directive when deciding to continue or terminate a pursuit.
  - b) In the context of this directive, the term "terminate" refers to the pursuing officers' decision to discontinue or stop chasing the



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fleeing vehicle through intentional means including one or more of the following actions:

- (1) Reducing speed or stopping the police vehicle(s).
  - (2) De-activating emergency lights and siren.
  - (3) Allowing distance to expand between the pursuing and pursued vehicles.
  - (4) Turning off the route of the pursuit.
  - (5) Advising other units, supervisors, and the dispatcher that the officer is terminating the pursuit.
- c) Pursuits should be discontinued whenever the circumstances known to the officer or supervisor during the pursuit indicate the risks of continuing the pursuit objectively outweigh the risks resulting from the suspect's escape.
- d) Operating an emergency vehicle in a pursuit with emergency light(s) and siren activated does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons; neither does it protect the officer from the consequences of his/her reckless disregard for the safety of others.
- e) In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:
- (1) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile, or would require the pursuit to continue for an unreasonable time or distance.
  - (2) The pursued vehicle's location is no longer known.
  - (3) Officer's pursuit vehicle sustains damage or experiences a mechanical failure causing the vehicle to no longer safely qualify for emergency operation.

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(4) Extended pursuits of violators for misdemeanors not involving domestic abuse or risk of serious harm (independent of pursuit) are discouraged.

(5) Increasing hazards to uninvolved bystanders or motorists.

(6) If the identity of the offender is or becomes known and it's not reasonably apparent that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(7) When directed to terminate the pursuit by a supervisor.

### 4. Speeds

a) The speed of a pursuit should be evaluated on a continuing basis by the officer and supervisor, who shall take into consideration public safety, officer safety and the safety of the fleeing vehicle's occupants.

b) Officers and supervisors shall consider these factors when determining if the speed of the pursuit represents an unacceptable risk:

(1) Pursuit speeds represent an unacceptable risk for the road and weather conditions, elevating the risk of collision or serious injury above the risk posed by the offender's escape.

(2) Pursuit speeds exceeding the driving ability of the officer.

(3) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

5. Pursuit Units - Pursuit units should be limited to two units and a supervisor, and a supervisor should be notified. However, the number of units involved will vary with the circumstances. Additional units may be authorized when necessary:

a) When the number of suspects in the vehicle outnumber the officers in the pursuing units.

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- b) Consider if pursuit is heading into area containing more or fewer officers who could rapidly arrive and assist at the pursuit termination location.
  - c) Violent or armed offenders generally justify more officers.
  - d) An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.
  - e) If officers involved in taking suspects into custody at the termination point of a pursuit request emergency assistance, responding officers are authorized to respond in emergency mode.
  - f) Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.
6. Vehicles Without Emergency Equipment - Vehicles not equipped with red light and siren are prohibited from initiating or joining in a pursuit. Officer(s) in such vehicles may provide support to pursuing units while operating their vehicle in compliance with all traffic laws.
7. Primary Unit Responsibilities
- a) The initial pursuing officer(s) will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless they are unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to himself/herself or other persons
  - b) The primary unit shall notify the Dispatch Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated. The primary unit should transmit information regarding the reason for, and the current status of, the pursuit as

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soon as practicable. This information includes, but is not limited to:

- (1) Location and direction of travel.
  - (2) Speed of the fleeing vehicle.
  - (3) Description of the fleeing vehicle and license plate number, if known.
  - (4) Number of occupants.
  - (5) The identity or description of the known occupants.
  - (6) Weather, road and traffic conditions.
  - (7) Identity of other agencies involved in the pursuit.
  - (8) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
  - (9) Request for medical assistance for any person injured during the pursuit.
    - (a) The primary pursuit unit will be responsible for ensuring assistance is provided to people who may have been injured during the course of a pursuit. The primary pursuit unit may delegate the responsibility to render assistance to a backup unit.
    - (b) If during a pursuit any officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond.
- c) Unless relieved by a supervisor or secondary unit, an officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit driving and tactics.

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8. Secondary unit(s) responsibilities - An officer in secondary pursuit unit is responsible for the following:
  - a) Immediately notifying the dispatcher of entry into the pursuit.
  - b) Maintain a safe distance behind the primary unit unless directed to assume the role of primary unit, or if the primary unit is unable to continue the pursuit.
  - c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
  - d) Serve as backup to the primary unit once the subject has been stopped.
9. Pursuit Driving Tactics - The decision to use or not use specific driving tactics requires the same assessment outlined in the factors to consider concerning pursuit initiation and termination. The following tactics shall be used by all units in the pursuit:
  - a) Officers will consider their driving skills and vehicle performance capabilities when establishing the separation from other vehicles they require to observe and avoid hazards and to safely react to maneuvers by the fleeing vehicle.
  - b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation, and only when assigned to the pursuit with red lights and siren activated.
  - c) Generally, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the officer(s) shall consider the following tactics:
    - (1) Maintain visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
    - (2) Request other units observe exits available to the suspect(s).
    - (3) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
  - d) Officers involved in a pursuit should not attempt to pass other units unless the situation requires it, or they are requested to do

## *Directives of the Leech Lake Tribal Police Department*

so by the primary unit, and a clear understanding of the maneuver exists between the involved officers.

### 10. Pursuit Trailing

- a) In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, the initiating unit may, with the permission of a supervisor, trail the pursuit to the termination point to provide necessary information and assistance for the arrest of the suspect(s).
- b) The term “trail” means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

### 11. Aircraft Assistance

- a) Aircraft assistance should be requested whenever available to a pursuit.
- b) Once the air unit has established visual contact with the pursued vehicle and radio communication with pursuit units, officers should request the air unit to assume control of the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.
- c) The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate the need to continue the pursuit.
- d) The air unit may recommend terminating the pursuit if ground units are not within visual contact or the air unit determines that continued pursuit poses an unacceptable risk. It is the directive of the LLTPD that ground units follow the recommendations of the air unit, unless circumstances or supervisory officers indicate otherwise.

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### 12. Supervisor Control and Responsibilities

- a) It is the directive of this agency that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this agency.
- b) The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest available field supervisor, will be responsible for the following:
  - (1) Notifying the Dispatch Center by radio of their availability and assignment as the supervisory officer as soon as they become aware of a pursuit. The supervisor will ensure that all officers involved in, or in the area of, the pursuit are aware of their assignment to the pursuit supervisor role.
  - (2) Availing themselves of information to continuously assess the pursuit and the associated risk factors to ensure that the pursuit is conducted within the bounds of this directive.
  - (3) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
  - (4) Exercising management and control of the pursuit remotely by radio or other means, if not physically engaged in it.
  - (5) Ensuring that the number of pursuit units involved in the pursuit is authorized by this directive.
  - (6) Ensuring that aircraft assistance is requested if available.
  - (7) Ensuring the proper radio channel(s) is/are used.
  - (8) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
  - (9) Direct the response of LLTPD units when a pursuit enters another jurisdiction.
  - (10) Prepare a post-pursuit critique and analysis of the pursuit for training purposes.

### 13. Shift Sergeant/Senior Officer In-Charge Responsibilities

## *Directives of the Leech Lake Tribal Police Department*

- a) Upon becoming aware that a pursuit has been initiated, the shift sergeant/S.O.I.C. should monitor and continually assess the situation to ensure the pursuit is conducted within the guidelines and requirements of this directive. The shift sergeant/S.O.I.C. has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.
  - b) The shift sergeant/S.O.I.C. shall review all pertinent reports for content and forward them to the Assistant Chief of Police.
14. Communications - If the pursuit is confined to Reservation boundaries, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves LLTPD jurisdiction or departure is imminent, pursuit units should switch radio communications to an emergency channel most accessible by participating agencies and units whenever possible.
15. Dispatch Center Responsibilities - Upon notification that a pursuit has been initiated, the Dispatch Center will be responsible for the following:
- a) Coordinate pursuit notifications of the involved units and personnel.
  - b) Notify and coordinate with other involved or affected agencies as practicable.
  - c) Ensure a supervisor is notified of the pursuit.
  - d) Assign an incident number and log all pursuit activities.
  - e) Broadcast pursuit updates as well as other pertinent information as necessary.
  - f) Notify the shift sergeant as soon as practicable.
16. Loss of Pursued Vehicle - When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.



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17. Inter-jurisdictional considerations - When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should consider requesting the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

### 18. Assumption of Pursuit by Another Agency

- a) Leech Lake Tribal Police Officers will discontinue the pursuit when another agency assumes responsibility for the pursuit, unless continued assistance is requested by the other agency. The LLTPD primary unit may proceed, at the direction of a supervisor, to the termination point to assist in the investigation when requested by the assuming agency.
- b) The role and responsibilities of officers at the termination of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.
- c) Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume or assist by engaging in a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance means its personnel will assume responsibilities for the pursuit. Conversely, when another agency's pursuit enters LLTPD jurisdiction, LLTPD officers or supervisors shall ensure they understand if they are being requested to engage in or assume primary responsibility for the pursuit.

### 19. Pursuits Extending into this Jurisdiction

- a) The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in the pursuit. The exception to this is when a

## *Directives of the Leech Lake Tribal Police Department*

single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this office may join the pursuit until sufficient units from the initiating agency join the pursuit.

- b) When a request is made for LLTPD to assist with or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:
  - (1) The supervisor shall ascertain the reason for the pursuit and determine if pursuit by LLTPD officers is authorized by this directive.
  - (2) LLTPD's ability to maintain the pursuit.
  - (3) Circumstances serious enough to continue the pursuit.
  - (4) Adequate staffing to continue the pursuit.
  - (5) The public safety implications within this jurisdiction.
  - (6) Safety of the pursuing officers.
- c) As soon as practicable, a supervisor or Shift Sergeant/S.O.I.C. should review a request for assistance from another agency. The Shift Sergeant or S.O.I.C., after consideration of the above factors, may decline to assist in or assume the other agency's pursuit, and should announce their decision by radio so that all LLTPD units may respond accordingly.
- d) Assistance to a pursuing outside agency by officers of this agency will terminate at the Reservation limits, provided the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.
- e) If a pursuit from another agency terminates within this jurisdiction, LLTPD officers shall provide appropriate assistance to the peace officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### 20. Pursuit Countermeasure

## *Directives of the Leech Lake Tribal Police Department*

### a) When Use is Authorized

- (1) Pursuit countermeasures should be employed only after supervisory approval. In deciding to use countermeasures, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards of the use of each tactic to the public, the officers, and persons in or on the pursued vehicle. With these risks in mind, the decision to use any countermeasure should be objectionably reasonable in light of the circumstances known to the officer at the time of the decision.
- (2) It is imperative that officers' choice of tactic is justified by law, authorized by applicable directives, and consistent with their training.

### b) Pursuit Countermeasure Standards

- (1) A pursuit countermeasure may present dangers to the officers, the public, or anyone in or on the vehicle pursued if used in certain conditions or circumstances. Applications of some countermeasures, or the manner in which a tactic is used, may be construed to be a use of force, including deadly force, and are subject to state and federal law, and to LLTPD directives. Officers who have not received training approved by LLTPD in the application and use of a countermeasure shall consider these facts and requirements prior to deciding how, when, where and if a countermeasure should be employed.
- (2) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. This technique should only be employed by officers who have received training in such tactics and after considering to the following:
  - (a) The need to immediately stop the suspect vehicle or prevent its escape substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

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- (b) Other countermeasures have failed or the officer judges they would be ineffective.
  - (c) Employing the blocking maneuver does not unreasonably increase the risk to officer(s) or public safety.
  - (d) The target vehicle is stopped or traveling at a low rate of speed.
  - (e) At no time should civilian vehicles be used to implement this technique.
- c) Ramming a fleeing vehicle should be done only after other reasonable tactical means have been exhausted or are not practical. This directive provides officers with guidelines to consider before deciding to ram another vehicle. When ramming is used to stop a fleeing vehicle, the following factors should be present:
- (1) The suspect is a known or suspected felon, whom the officer believes represents a serious threat to the public if not apprehended or if apprehension is delayed.
  - (2) The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a life-endangering manner.
  - (3) If the officer does not reasonably believe the suspect's escape presents an imminent serious threat to the public, the use of ramming is not authorized.
- d) Boxing-in - As with all pursuit countermeasures, pursuing officers should obtain supervisory approval before attempting to box in a suspect vehicle during a pursuit. The use of this technique must be carefully coordinated with all involved units and take into consideration the circumstances and conditions present at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- e) Tire spikes should be deployed only when risk of damage to other law enforcement or public vehicles is minimized. Prior to the deployment of spike strips, officers shall notify pursuing units and

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the supervisor of their intended deployment and the deployment location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences of these higher-risk deployments against the need to immediately stop the vehicle.

- f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. Roadblocks may be used under extraordinary conditions when other less-intrusive intervention techniques have failed or when officers believe they will be ineffective, and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers, or other members of the public. The use of roadblocks used by LLTPD will be governed by state law, court decisions, and training provided by the Department.

### 21. Capture of Suspects

- a) Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only the amount of force necessary to apprehend the suspect as authorized by LLTPD directive governing use of force.
- b) Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

## **VI. TRAINING**

- A. All officers authorized and assigned to operate emergency vehicles while engaged in vehicle pursuits shall attend training as required by

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Minnesota Statute § 626.8458. This statute requires the Chief of Police to ensure any officer authorized to operate a vehicle engaged in a police pursuit to receive both pre-service and in-service training. The Minnesota POST Board has determined that eight (8) hours of classroom and skills-based training occurring every 48 months meets this requirement.

- B. Officers employing pursuit countermeasure tactics should be trained in their use prior to using the tactic or maneuver.
- C. Officers shall review this directive on an annual basis.

### **VII. REPORTING**

- A. The Chief of Police is required to report vehicle pursuits engaged in by his/her agency to the Commissioner of Public Safety in compliance with Minnesota Statute § 626.5532. The Chief may delegate this duty to any other member of the police Department upon proper notice, at which time that officer or member is responsible to submit the required report within 30 days of the pursuit.
- B. As required by Minnesota Statute § 626.5532, the report must contain the following elements:
  - 1. The reason(s) for, and the circumstances surrounding the incident;
  - 2. The alleged offense;
  - 3. The length of the pursuit including time and distance;
  - 4. The outcome of the pursuit;
  - 5. Any injuries or property damage resulting from the incident; and
  - 6. Any pending criminal charges against the driver.

<b>DIRECTIVE 104</b>	<b>Emergency Vehicle Operation</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To provide guidelines on the emergency operation of law enforcement vehicles.

**II. POLICY**

It shall be the directive of this agency to take the necessary precautions while operating law enforcement vehicles in emergency situations, to ensure officers arrive safely at the incident. It is further the directive of this department that officers follow all applicable statutes and directive and drive with due regard for the safety of other motorists when operating their department vehicle as an authorized emergency vehicle.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department who operate authorized emergency vehicles while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCES**

Minnesota Statute § 169.011	Definition of Authorized Emergency Vehicle
Minnesota Statute § 169.03	Emergency Vehicle Application
Minnesota Statute § 169.17	Due Regard for Safety
Minnesota Statute § 169.20	Failure to Yield for Emergency Vehicle
Minnesota Statute § 609.487	Fleeing a Police Officer in a Motor Vehicle
Minnesota Statute § 626.8458	Instruction Required
Minnesota Statute § 169.541	Lighting Exemptions; Law Enforcement Vehicles; Standards

**V. DEFINITIONS**

- A. *Emergency*: When the immediate presence of police is required to:
1. Protect a person from death or serious injury;
  2. Provide emergency medical treatment to the victims of accidents, injuries or life threatening situations;

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3. Assist another law enforcement officer(s) in a potentially dangerous situation, or
  4. Make the timely apprehension of those suspected of being involved in a criminal activity.
- B. *Authorized Law Enforcement Emergency Vehicle:* For purposes of this directive and pursuant to Minnesota Statutes § 169.01 Subd. 5, an authorized law enforcement emergency vehicle is a department-owned or leased vehicle equipped for use by a police officer for law enforcement work. Emergency equipment, consistent with applicable state statutes, shall consist of at least one red light to the front and a siren.

### **VI. PROCEDURE**

- A. Responding to an Emergency Call
1. The driver of an authorized emergency vehicle may disregard certain traffic regulations when both the siren and red lights are operating. The use of either the siren or red lights alone is not permitted when responding as an authorized emergency vehicle. The use of other equipment, when available, such as wig-wag headlights, is encouraged while responding to an emergency call, as provided for in sub-Directive 104.01 regarding Emergency Vehicle Warning Equipment.
  2. The driver of an authorized emergency vehicle, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety, but may proceed cautiously past such red or stop signal or any stop sign after sounding siren and displaying red lights.
  3. Responding officers should attempt to coordinate their response to emergencies so that no more vehicles than necessary are en route to the emergency call. Responding officers may request additional assistance if needed, or the on-duty supervisor can deploy more units to the location.
  4. In a multi-vehicle response to an emergency call (i.e., other law enforcement vehicles, fire trucks and ambulances) the operator of one of the vehicles should not pass another unless there are sufficient lanes to accommodate the vehicles, the primary unit requests



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another unit to pass, or unless the vehicle to the front has become inoperable. Officers in the passing unit shall communicate their intent to pass to the unit being overtaken.

5. There are incidents requiring an immediate response, but where siren use may have a detrimental effect (i.e., crimes in progress or hostage situations). If only red lights are used, the vehicle is not an authorized emergency vehicle and the driver is expected to comply with traffic control devices.
  6. No driver of an authorized emergency vehicle shall violate any traffic laws except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- B. Officer responsibility – Courts have determined that officers responding to emergency calls are not relieved of their responsibility to operate the emergency vehicle with due regard for the safety of persons using the roadways. When responding to emergencies, officers may disregard certain traffic laws but must do so in a manner that will not jeopardize the safety of others.

### **VII. TRAINING**

Pursuant to Minnesota statute 626.8458, both pre-service and in-service training in emergency vehicle operations is required. The Minnesota POST Board has determined that eight (8) hours of classroom and skills-based training occurring every 48 months meets this requirement. The Chief of Police will ensure that all officers and conservation officers authorized to operate emergency vehicles receives required training.

<b>Sub-Directive 104.01</b>	<b>Use of Emergency Vehicle Warning Devices</b>
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**Effective Date: 08-01-2017**

#### **I. PURPOSE**

The purpose of this directive is to establish guidelines for the use of emergency vehicular warning devices.

#### **II. POLICY**

## *Directives of the Leech Lake Tribal Police Department*

It shall be the directive of the LLTPD to ensure that all members of the LLTPD adhere to the statutory restrictions on the use of emergency warning devices and employ the devices only in prescribed conditions under circumstances and in manners minimizing the risk of accidents or injuries to employees and the public.

### **III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department authorized to operate emergency vehicles while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

### **IV. PROCEDURE**

- A. Assigning/Determining Response Modes to Call for Assistance
  - 1. Field supervisors and/or communications personnel assigning officers to calls for assistance shall authorize the response modes to be utilized.
  - 2. Field Supervisors and/or the commanding officer are responsible for monitoring response modes to calls for assistance and shall have the authority to upgrade or downgrade the assigned response modes.
  - 3. In those instances where an officer self-initiates an emergency vehicle response to an incident of which the communications center and supervisors are not aware, or upgrades a routine response assignment, the officer shall ensure communications personnel and supervisors are aware of the nature of the incident and the officer's current and intended destinations.
- B. Use of Emergency Warning Devices While in Emergency Response Mode
  - 1. Officers operating a vehicle in an emergency response mode shall activate the vehicle's emergency lights and siren and other emergency warning devices as required by law and directive.
  - 2. Headlights of the emergency vehicle shall be activated to augment the emergency vehicle's visibility.
  - 3. Four-way flashers shall not be used when the vehicle is in motion because they may interfere with brake lights and turn signals.

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4. The spotlight is primarily utilized to facilitate building and stationary vehicle checks and should not be directed at the windshield or to obstruct the vision of oncoming traffic.
  5. Officers may deactivate emergency warning devices and other vehicle lighting as they approach in-progress incidents to avoid alerting subjects to their approach.
  6. When emergency warning devices are deactivated, the operator of the emergency vehicle shall comply with posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow.
- C. Use of Emergency Warning Devices While Conducting Traffic Stops -
- C. Audible and/or visible warning devices shall be used to make adequate notice of intent to stop a motor vehicle and to provide a safe environment for the vehicle operator, officer and public.
- D. Discretionary Use of Emergency Warning Devices
1. Officers may activate emergency warning devices when required to assist in handling any perceived emergency situation. The officer shall advise communications personnel of the nature of the emergency and the emergency response mode that has been taken.
  2. In other than emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or fellow officers, law enforcement officers may activate emergency warning devices to allow orderly and safe transit through heavily congested roadways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:
    - a) Using emergency lights as warning “beacons” to protect disabled motorists.
    - b) Using emergency lights when it is necessary to use agency vehicles as protective barriers.
    - c) Operators of emergency vehicles shall deactivate emergency warning devices as soon as it is safe to do so.

<b>DIRECTIVE 201</b>	<b>Arrest Procedures</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To specify legal procedures to be followed for an arrest.

**II. POLICY**

The power to arrest an individual is one of the most important duties of a police officer. It is imperative that this responsibility be accomplished within the limits of authority as set forth by the Constitution, State Law, Rules of Criminal Procedure and applicable court decisions. It is the directive of this department that Leech Lake Tribal Police Department sworn law enforcement officers shall abide by all applicable laws when exercising the power of arrest.

**III. SCOPE**

This directive applies to all sworn law enforcement officers of the Leech Lake Tribal Police Department with arrest powers while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Authority to Arrest and Requirements**

1. The Fourth Amendment of the Bill of Rights recognizes “the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure.” The Fourth Amendment was intended to protect against arbitrary arrests as well as against unreasonable searches. Compliance with the Fourth Amendment is satisfied if an arrest is made in a public place on probable cause, regardless of whether a warrant has been obtained.
2. The test of probable cause to arrest is whether the objective facts are such that under the circumstances, a person of ordinary care and prudence would entertain an honest and strong suspicion that a crime has been committed. This is the common standard used by Minnesota courts. There must be particular and articulable facts that lead an officer to believe that a crime was committed and the person to be arrested did it.

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3. Minnesota State Statute 629.30 defines an arrest as “taking a person into custody that the person may be held to answer for a public offense.” The statute authorizes that an arrest may be made by a peace officer either under a warrant or without warrant.

### B. The Arrest Decision

1. When an offense occurs for which an arrest can be made, officers may, after considering the total situation, take all reasonable and necessary steps to affect the arrest of the offender(s).
2. When the arrest of an offender might cause a greater potential for harm to the public than the harm that would be caused if the offender was not arrested; or, when an alternative to arrest would better serve the interest of the public and the offender, the decision not to arrest, even when there are grounds for an arrest, may be appropriate. If an officer has any doubt as to whether or not those circumstances exist, the officer should consult a supervisor.

### C. Arrests, Generally

1. Prior to affecting an arrest, the arresting officer shall, whenever practicable, give notice of their authority and inform the person to be arrested that the officer intends to arrest them (MSS § 629.33).
2. The arresting officer shall inform the arrested person of the reason for the arrest, either before or as soon as practical after the person is taken into custody.
3. Only the amount of force necessary to affect the arrest and ensure the safety of the arrested person, the officer, and other persons shall be permitted, consistent with law and department directive on use of force.
4. An officer may not subject the person arrested to any more restraint than is necessary for the arrest and detention. Under normal circumstances, all persons placed under arrest shall be handcuffed, at a minimum, to assure safe custody and the safety of the officer.
5. When a lawful arrest is affected, with or without an arrest warrant, an officer shall reasonably search the arrested person and the area within such person's immediate presence, or under their immediate

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control, immediately after the arrested person is restrained for the authorized purpose of:

- a) Protecting the officer from attack;
  - b) Preventing the person from escaping;
  - c) Discovering and seizing fruits of the crime; or
  - d) Discovering and seizing any instruments, articles, or things which may have been used in the commission of the offense; or
  - e) Discovering any instruments, articles, or things that may constitute evidence of the offense (including contraband).
6. The phrase "immediate presence" is defined as that area within the arrested person's immediate control, i.e., that area from which the arrested person might gain possession of or seize a weapon or other thing to assault the officer or affect an escape or seize concealable or destructible evidence.
  7. The arresting officer is responsible for the safety and protection of the arrested person during the time the arrested person is under the control of the arresting officer.
  8. The arresting officer is responsible for the security of personal property in the possession or under the control the arrested person at the time of the arrest until such property is turned over to another authorized person or agency.
  9. The arresting officer is responsible for ensuring all constitutionally guaranteed rights of the arrested person are preserved during the time the arrested person is under the control of the arresting officer.

### D. Warrant Arrest

1. An officer may arrest any person based upon the issuance of a valid arrest warrant. An arrest under a warrant is lawful even though the officer does not have the warrant in hand at the time of arrest.
2. The arresting officer is responsible for confirming the existence of a valid warrant before making an arrest based on a warrant.

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3. The arresting officer is responsible for confirming that the person to be arrested is the same person for whom the warrant was issued.
  4. The arresting officer shall inform the arrested person that the officer is acting under a warrant.
  5. An arrest for a felony or gross misdemeanor warrant may be made on any day and at any time of the day or night. An arrest for a misdemeanor warrant may not be made on Sunday or between 10:00 p.m. and 8:00 a.m. on any other day except when the judge orders in the warrant that the arrest may be made between those hours (thereafter referred to as a night-capped warrant) or when the person named in the warrant is found on a public highway or street.
  6. After giving notice of the authority and purpose of entry, an officer may break open a door or window of the residence of the person named in an arrest warrant to gain entry and execute the arrest warrant if the officer is refused admittance and the person named is believed to be inside.
  7. Absent consent or exigent circumstances, an officer may not enter the private residence of a third party to search for the person named in an arrest warrant without first obtaining a search warrant; except that if the person named is a co-resident or overnight guest at the third-party residence, then an officer may enter the residence to execute the arrest warrant if the person named is believed to be inside.
  8. An officer may not arrest a person for a misdemeanor or gross misdemeanor offense committed in another state except under authority of a Rendition Warrant issued by the Governor of Minnesota pursuant to Minnesota Statutes § 629.07
- E. Warrantless Arrest
1. An officer is authorized to make an arrest without a warrant under the following circumstances:
    - a) When the officer has probable cause to believe that a felony offense has been committed and that the person to be arrested committed the offense; or,

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- b) When a public offense has been committed, or attempted in the officer's presence.
  2. As a rule, an officer may not arrest for a misdemeanor or gross misdemeanor offense without a warrant unless the offense was committed in the officer's presence; except that an officer may arrest a person on probable cause without a warrant for certain misdemeanor or gross misdemeanor offenses, even though not committed in the officer's presence, as specified by state law. A list of specified offenses may be found in the Minnesota Criminal Elements Handbook.
  3. Per state law, an officer must arrest, without a warrant and take into custody, a person violating an Order for Protection (OFP) or Harassment Restraining Order (HRO) even if the violation did not take place in the presence of the officer, if:
    - a) The officer has probable cause to believe the person has violated the order; and,
    - b) The existence of the order can be verified by the officer.
  4. An officer may take into custody any suspect that has been lawfully placed under arrest by a citizen that witnessed the misdemeanor or gross misdemeanor offense.
  5. An on-duty officer may make a warrantless arrest outside LLTPD jurisdictional boundaries if:
    - a) The officer is in fresh pursuit of a crime committed within the jurisdiction; or
    - b) The officer is acting in the course and scope of employment and observes a public offense occur.
  6. An off-duty officer of the department while within LLTPD jurisdiction may make a warrantless arrest under the conditions set forth in this section.
  7. Additional rules of arrest by off-duty LLTPD officers are in Directive 202.
- F. Custodial Warrantless Arrest for a Misdemeanor Offense



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1. An officer may make a custodial arrest without a warrant for a misdemeanor offense as specified by state law. A list of specified offenses may be found in the Minnesota Criminal Elements Handbook.
2. If an officer decides to proceed with prosecution of any other misdemeanor offense for which a person may be subject to lawful arrest; then the officer SHALL ISSUE A CITATION in lieu of arrest, pursuant to Rule 6.01 of the Minnesota Rules of Criminal Procedure, unless it reasonably appears to the officer that the arrest or detention is necessary to:
  - a) Prevent bodily harm to the accused or another; or
  - b) Prevent further criminal conduct; or
  - c) There is a substantial likelihood that the accused will fail to respond to a citation.
3. An officer should keep in mind the following considerations when deciding if a custodial arrest for a non-listed misdemeanor offense is appropriate:
  - a) The arrest is necessary to prevent bodily harm to the accused or another:
    - (1) The nature of the offense (e.g.: assault, order for protection violation, driving while intoxicated) justifies an arrest.
    - (2) The suspect has assumed hostile and threatening behavior.
  - b) The arrest is necessary to prevent further criminal conduct as demonstrated by the person's criminal history:
    - (1) The suspect is a habitual offender.
    - (2) The suspect has a history of assaultive behavior.
    - (3) The suspect has numerous misdemeanor driving offenses that indicate a pattern of continuing criminal conduct.
  - c) The arrest is necessary because it is unlikely that the suspect will respond to the citation:

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(1) Review the suspect's driving record:

- (a) The address on the suspect's driving record is not current.
- (b) The suspect's driving record shows returned orders by the Commissioner of Public Safety, indicating that they have not kept their address current in the past.
- (c) The suspect been suspended for failure to appear or pay fines.

(2) The suspect has not been sufficiently identified:

- (a) The suspect does not have photo identification and there is insufficient corresponding identification data found in Driver and Vehicle Services records or from a previous arrest and booking.
- (b) The suspect does not match the physical description of the identification provided.
- (c) The suspect has no identification. Keep in mind, that the mere inability of a minor traffic violator to produce a driver's license IS NOT a reasonable basis for an arrest (or search).

(3) The criminal history shows that the suspect has been convicted previously for failing to appear.

(4) There is information that the suspect has failed to respond to citations in the past. Remember to check criminal history and police department records for prior contacts such as warrant arrests.

d) If an officer making an arrest is not able to articulate facts which would justify a misdemeanor arrest, the court will consider the arrest unlawful, and any evidence found in a search incident to the unlawful arrest will be suppressed. The arresting officer's report should mention those factor(s) that made the arrest fall within one of the three exceptions allowed by Rule 6.01.

### G. Warrantless Arrests and Detention of Adults

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1. The 36-hour rule controls how long a person arrested without a warrant may be held in custody before they must be brought before a judge. The time begins at midnight at the end of the day of arrest and does not include the day of arrest, Sundays, or legal holidays.
2. The 48-hour rule controls how long a person arrested without a warrant may be held in custody before a complaint is signed by a judge or a judicial determination has been made that probable cause exists for continued detention. The time begins as soon as the suspect is arrested and runs continuously for the next 48 hours. There are no exclusions as in the 36-hour rule.
3. Officers need to maintain awareness of and compliance with any directives by the court of jurisdiction regarding implementation of the 36 and 48-hour rules within the jurisdiction of the Court.

### H. Detention of Arrested Persons Requiring Medical Attention

1. A person arrested for an offense that requires continued detention, that exhibits illness or injuries requiring medical attention, will be transported to a hospital by either the arresting officer, designated transport officer, or an ambulance service for treatment.
2. An ill or injured prisoner transported to a hospital by ambulance will be accompanied by an officer unless police exigencies dictate otherwise. In such case, an officer will respond to the admitting hospital to maintain custody of the prisoner as soon as practicality allows. Following directly behind and within visual sight of the ambulance meets the requirements of this section.
3. The arresting officer or designated transport officer is responsible for the custody of the ill or injured prisoner while they receive medical attention. Hospital personnel or hospital security will not guard a prisoner.
4. If the ill or injured prisoner needs to be admitted to a hospital for longer-term treatment than is reasonable for an officer to maintain watch; or, if the ill or injured prisoner is in such critical condition as to make continued watch by an officer pointless, the officer maintaining custody shall notify a supervisor, if one is available, and a determination will be made as to the need for continued custody

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and/or the necessity of transferring custody to personnel of an appropriate agency.

- I. Detention of Arrested Juveniles
  1. The laws and rights applying to adults also apply to juveniles, and generally the arrest policies for juveniles are similar to those for adults. Due to the vulnerabilities of juveniles and the role of the parent or guardian in the juvenile court system, there are specific directives that dictate how juveniles are handled as outlined in the department directive on juvenile procedures.
  2. Continued detention of a juvenile arrested without a warrant must meet one of the following four criteria:
    - a) Will endanger self or others; or,
    - b) Will not appear for court; or,
    - c) Will not remain in control of the person whose lawful custody the youth is released to; or,
    - d) Their health and welfare would be immediately endangered.
    - e) Officers will comply with juvenile court and juvenile corrections directives regarding continued custody within the Court's jurisdiction.
- J. Arrest and/or Detention of Foreign Nationals
  1. It is the obligation of the United States, including local jurisdictions, to notify foreign authorities when foreign nationals are arrested or otherwise detained.
  2. Steps to follow when a foreign national is arrested or detained:
    - a) Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
    - b) If the foreign national's country IS NOT on the mandatory notification list:

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- (1) Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
  - (2) If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay. Phone or fax numbers for foreign embassies and consulates in the United States may be obtained from Central Communications or the web site of the US Department of State. A suggested fax sheet for making a required notification is included on the web site.
- c) If the foreign national's country IS on the list of mandatory notification countries:
- (1) Notify that country's nearest consular officials, without delay, of the arrest/detention. Phone or fax numbers for foreign embassies and consulates in the United States may be obtained from the web site of the US Department of State. A suggested fax sheet for making a required notification is included on the web site. Officers need to check for updated notification country status when detaining a foreign national.
  - (2) Mandatory notification countries:

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Algeria	Kazakhstan	Trinidad/Tobago
Antigua and Barbuda	Kiribati	Tunisia
Armenia	Kuwait	Turkmenistan
Azerbaijan	Kyrgyzstan	Tuvalu
Bahamas	Malaysia	Ukraine
Barbados	Malta	United Kingdom
Belarus	Mauritius	Uzbekistan
Belize	Moldova	Zambia
Brunei	Mongolia	Zimbabwe
Bulgaria	Nigeria	
China	Philippines	
Cost Rica	Poland (non-perm. residents)	
Cyprus	Romania	
Czech Republic	Russian Federation	
Dominica	St. Kitts/Nevis	
Fiji	St. Lucia	
Gambria	St. Vincent/Grenadines	
Georgia	Seychelles	
Ghana	Sierra Leone	
Grenada	Singapore	
Guyana	Slovakia	
Hong Kong	Tajikistan	
Hungary	Tanzania	
Jamaica	Tonga	

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(3) The arresting officer should document all notifications and actions regarding a foreign national in a report.

### K. Persons Exempt from Arrest

1. Some persons may not be detained at the time an arrest is justified. This does not mean that the person will not have to answer for a crime. Stops for routine traffic infractions and their resultant citations are not arrests or detentions for the purposes of this section.

a) Diplomatic agents, family members recognized as part of the household, and members of their administrative and technical staff and their households are immune from arrest, detention, and search. Members of the service staff have no privileges or immunities. Family members of diplomatic agents who are also U.S. citizens have no privileges or immunities. Consular officials their families and their staffs have no privileges or immunities except that career consular officers are immune from arrest unless the arrest is pursuant to a felony warrant.

(1) The only authoritative document that can reliably identify a diplomatic or consular official is the identity card issued by the U.S. Department of State, Protocol Office.

(2) Other documents such as foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, or vehicle registration issued by the State Department do not conclusively indicate the diplomatic status of an individual. Officers presented with this type of identification should assume that the suspect may have some degree of immunity and attempt to further verify the diplomatic status of the suspect.

b) Members of the U.S. Congress, while in attendance at the session of their respective houses, or while traveling to or from the session, are exempt from arrest in all cases except treason, felony, or breach of the peace.

c) State senators and representatives, during the session of their respective houses, and in going to or returning from the same, are

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privileged from arrest in all cases except treason, felony, or breach of the peace.

d) Members of the National Guard after having been ordered to any duty or while going to, attending or returning from any place, to which the member is required to go for military duty, are exempt from arrest in all cases except felony or breach of the peace.

2. The person claiming immunity from arrest has the burden of proof to establish identity entitling immunity.
3. The privilege of personal inviolability (freedom from arrest, detention, and search) must be balanced with the responsibility of the police department to protect the safety of the citizens. Officers may intervene to the extent necessary to halt activity that poses imminent danger to the safety of the public or when it is apparent that a serious crime may otherwise be committed.

### L. Citizen's Arrest

1. Citizen arrests for misdemeanor crimes can only be made when the offense was committed in the presence of the complainant.
2. Citizens making arrests must complete a Certificate and Declaration of Citizen's Arrest form identifying the basic statutory elements of the observed offense.
3. An officer shall review the circumstances surrounding the arrest. The arrested person should be taken into custody only after the officer has determined that probable cause exists.
4. If probable cause exists and the arrested person is taken into custody, the arrest shall be processed as would any other arrest pursuant to this directive.
5. If the officer believes that the arrest was unlawful or that the statutory elements of the offense have not been met, the officer may refer the complainant to the prosecutor's office.

M. Probable Cause Pick-up for a Felony Offense - As long as there continues to be probable cause that a felony offense was committed and the person to be arrested committed the offense, that person can be arrested without a warrant.



<b>DIRECTIVE 202</b>	<b>Off-Duty Officers: Power of Arrest</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide guidelines to police officers regarding acceptable criteria for affecting an arrest while they are off-duty.

**II. POLICY**

Off-duty officers are faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on-duty. This may lead to unnecessary injuries to off-duty officers, and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts. To promote safe and efficient operations, it is the directive of the LLTPD to identify and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department with arrest powers while off-duty but engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Officers shall comply with guidelines in Directive 201 governing general requirements for arrest.
- B. Liability Protection – The police officers of the LLTPD have liability protection for the on and off-duty performance of official duties when conducted in accordance with state law and this directive. This protection does not extend to willful acts to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, where in conflict with law or the established directives of this department.
- C. Off-duty officers of the LLTPD, while outside the jurisdictional boundaries but within the State of Minnesota, may only make a warrantless arrest when confronted with circumstances that would permit the use of deadly

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force under Minnesota State Statute 609.066. Nothing herein limits an officer's authority to arrest as a private person.

- D. An off-duty officer on administrative leave or suspension is not authorized to make a warrantless arrest under color of law.
- E. Arrests occurring off-duty, in jurisdiction
  - 1. A full-time licensed officer employed by the LLTPD may affect an off-duty arrest for any violation committed within the officer's presence and within the territorial jurisdiction of the Leech Lake Reservation.
  - 2. Permitted Off-Duty Arrests – When off-duty and within the legal jurisdiction of the LLTPD a police officer may make an arrest only when:
    - a) The arresting officer is not personally involved in the incident underlying the arrest.
    - b) There is an immediate need for the prevention of a crime or apprehension of a suspect.
    - c) The crime would be charged as an offense requiring custodial arrest.
    - d) The arresting officer is in possession of appropriate police identification.
  - 3. Off-Duty Responsibilities
    - a) While off duty, it is the responsibility of the police officer to immediately report any suspected or observed criminal activities to on-duty officers.
    - b) Except as allowed by this directive, off-duty officers should not enforce summary offenses or minor violations such as harassment, disorderly conduct or other quality of life offenses. On-duty personnel shall be contacted to respond to situations when an off-duty officer becomes aware of such violations.
    - c) If no on-duty officer is available, the off-duty officer should transport suspect to the department or local jurisdiction, Cass, Beltrami, Itasca or Hubbard county jail and process by normal

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procedures. Officers may not transport arrestees in a personal vehicle.

d) Complete and file all required reports as though the officer were on-duty.

4. Prohibited Off-Duty Arrests – Police officers of the LLTPD may not make an arrest off-duty:

a) When the arresting officer is personally involved in the incident underlying the arrest.

b) When engaged in off-duty employment of a non-police nature and the officer's actions are only in furtherance of the interests of the private employer.

c) When the arrest is made solely as enforcement of a minor traffic regulation. Despite the fact that a police officer has police powers and responsibilities 24-hours a day throughout the jurisdiction, the off-duty officer should not enforce minor traffic regulations.

### F. Arrests Occurring Off-Duty, Out of Jurisdiction

1. An LLTPD officer may arrest an individual in another jurisdiction for a crime or offense committed within the territorial jurisdiction of the Leech Lake Reservation provided that the officer is acting within the course and scope of employment at the time the arrest is affected. In effecting such an arrest, the arresting officer shall follow these procedures:

a) Prior to the arrest, the officer shall notify the police or sheriff's department having jurisdiction where the arrest is to be affected.

b) The officer shall request assistance of local authorities, if necessary.

c) If no assistance is necessary, the arresting officer shall, at a minimum, advise local authorities of planned action.

d) Upon effecting the arrest and clearing the jurisdiction, the officer shall notify the local authorities.

e) The officer has their take-home LLTPD police vehicle, they shall transport the individual to the appropriate jail. Officers are not

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authorized to transport prisoners in their personally owned vehicles.

f) The officer shall file the appropriate reports.

### 2. Crimes Committed in Officer's Presence While Outside of Jurisdiction

a) A full-time licensed LLTPD officer may make an arrest while off-duty, outside the territorial jurisdiction of the Leech Lake Reservation only when the officer would be justified in using deadly force as provided in Directive 201.

b) LLTPD officers shall notify the law enforcement agency with jurisdiction where the arrest occurred as soon as possible after the subject is controlled.

c) LLTPD officers shall notify the on-duty LLTPD supervisor of their involvement in the out-of-jurisdiction arrest as soon as practicable.

d) The off-duty arresting officer will remain on scene and provide any information or assistance the agency of jurisdiction requires.

e) The off-duty LLTPD officer will complete all LLTPD reports required by directive as if the arrest had occurred on-duty and within the jurisdiction.

G. Citizen's Arrest – Nothing in this directive limits an officer's authority to arrest as a private citizen while inside or outside the jurisdiction of the Leech Lake Reservation. These arrests will not be deemed within the scope of employment.

<b>DIRECTIVE 203</b>	<b>Searching, Handcuffing, &amp; Transporting Persons in Custody</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To provide guidelines for transporting persons in custody.

**II. POLICY**

It shall be the directive of this agency to take necessary precautions while transporting persons in custody to protect the lives and safety of officers, the public and the person in custody.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department with arrest powers while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Vehicle Inspection - At the beginning and end of each tour of duty, vehicles regularly used for transport of persons in custody shall be inspected for readiness as follows:
  - 1. The safety screen shall be securely in place and undamaged.
  - 2. All windows shall be intact with outer door latches in proper working order.
  - 3. Rear door handles and window controls shall be deactivated.
  - 4. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left hidden in the vehicle.
  - 5. Prior to placing a prisoner in the vehicle for transport, the officer shall inspect the interior for weapons or contraband. The vehicle shall be searched again after the prisoner has been delivered to the detention facility or other destination.
- B. Handcuffing

## *Directives of the Leech Lake Tribal Police Department*

1. Officers restraining persons shall comply with this directive and Directive 102.01.
  2. Officers shall handcuff (double lock) all persons in custody with their hands behind their back and palms facing outward.
  3. The officer may handcuff the person in custody with their hands in front or utilize other appropriate restraining devices when the person:
    - a) Is obviously pregnant.
    - b) Has a physical handicap.
    - c) Has injuries that could be aggravated by standard handcuffing procedures.
  4. Persons in custody shall not be handcuffed to any part of the vehicle during transport.
  5. Additional approved restraint devices may be used to secure a person in custody who violently resists arrest or who manifests mental disorders so that they pose a threat to themselves or to the public.
- C. Transport
1. Prior to transport, all persons in custody shall be thoroughly searched for any weapons, contraband or tools of escape.
    - a) If practical, the protective search should be conducted by an officer of the same gender as the person in custody.
    - b) The transporting officer, if different than the arresting officer, shall also search the person in custody, unless a search was conducted in their presence.
  2. When transporting persons in custody, the officer shall provide the Communications Center with the following information when possible.
    - a) Identity of the person in custody.
    - b) Arrest location and destination transport.
    - c) Time and mileage readings before and after transport.

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3. The officer shall use care when assisting a person in custody into the vehicle for transport.
4. Persons in custody shall be transported in the following manner:
  - a) When the vehicle has a security screen, but only one transporting officer, the person in custody shall be placed in the back seat on the right (passenger) side of the vehicle.
  - b) When a person in custody is being transported in a two-officer vehicle with a security screen, the person in custody shall be placed in the right (passenger side) rear seat. The second/passenger officer shall be designated to conduct checks on the person in custody to ensure their health and safety.
  - c) Leg restraints shall be used if an officer believes the person in custody has potential for violent behavior.
  - d) One transporting officer shall not transport more than one person in custody in a vehicle without a security screen. In such situations, additional transport assistance shall be requested.
  - e) All persons transported in-custody shall be secured in a vehicle by proper use of a seatbelt.
  - f) Any wheelchairs, crutches, canes, walking sticks, and medication shall be transported with, but not in the possession of, the person in custody.
  - g) Persons in custody shall not be left unattended during transport. Any escape shall immediately be reported to the Communications Center with explicit details regarding the escape.

<b>DIRECTIVE 301</b>	<b>Domestic Violence</b>
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**Effective Date: 08-01-2017**

**PURPOSE**

The Leech Lake Tribal Police Department (LLTPD) maintains that the nature and severity of crimes committed between family/household members are not any less serious due to the relationships or living arrangements of those involved. It is the purpose of this directive to protect victims of domestic abuse/domestic violence by making an arrest where authorized, to reduce the incidence and severity of domestic abuse and violence. It is further intended to identify actions police officers shall take in response to domestic abuse and violence that will enforce the law while also serving to intervene and prevent future incidents of violence.

**POLICY**

It is the directive of the Leech Lake Tribal Police Department that domestic violence be treated with the same consideration as violence in other enforcement contexts. Officers and other personnel are expected to incorporate criminal processes with other applicable community resources to achieve a comprehensive solution to break the cycle of abuse and/or assault in the relationship. Officers of the Leech Lake Tribal Police Department are expected to follow the directive and procedures outlined in the *Domestic Violence Handbook and Training Guide*. The directive goals of the LLTPD include:

- A. Break the cycle of domestic violence by preventing, reducing the frequency of, or lessening the severity of future incidents.
- B. Protect victims of domestic violence and provide them with support, education and the same resources available in other criminal cases.
- C. Promote public accountability for the Department's response to incidents of domestic abuse/violence.
- D. Establish arrests and criminal prosecution as the appropriate response to domestic violence incidents where probable cause exists to substantiate an assault or other crime.
- E. Promote officer safety by ensuring that all officers are prepared to respond effectively to domestic abuse or violence incidents.



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- F. Complement and coordinate efforts with the criminal justice system through the development of domestic abuse prosecution plans, so that law enforcement, prosecution and advocacy will be more efficient and successful.
- G. Document allegations of domestic-related offenses to support an effective prosecution and meaningful delivery of victim services.

### **SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department who provide law enforcement services to victims of domestic-related incidents while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

### **DEFINITIONS**

- A. *Domestic Abuse*: Pursuant to Minnesota Statutes § 609.713, Subdivision 1, domestic abuse refers to physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members. Pursuant to Minnesota Statutes § 518B.01, Subdivision 2(a), domestic abuse includes criminal sexual conduct in the 1st through 4th degrees, committed against a family or household member by a family or household member.
- B. *Domestic Violence*: Domestic violence occurs where a family or household member commits or attempts to commit the following offenses against another family or household member.
  - 1. Bodily injury or fear of imminent bodily injury
  - 2. Sexual assault
  - 3. Interference with freedom of movement
  - 4. Property crime directed at the victim
  - 5. Violation of a court order
  - 6. Criminal trespass
- C. *Family or Household Member*: Persons who are:

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1. Spouse
  2. Former spouse
  3. Parents or children
  4. Related by blood
  5. Related by marriage
  6. Presently or formerly residing together
  7. Persons involved in a significant romantic or sexual relationship
  8. Man and woman, if the woman is pregnant and the man is alleged to be the father.
- D. *Child*: A child is defined as a person under the age of 18.
- E. *Domestic Abuse Program*: A public or private intervention project or advocacy program that provides support and assistance to the victims of domestic abuse or violence.
- F. *Domestic Call*: Request for assistance made to a law enforcement agency regarding domestic abuse or violence, or any other crime against a family or household member.

### **PROCEDURE**

- A. Dispatch Procedures
1. Prioritization: Upon receiving a domestic call, the dispatcher shall:  
  
Assign the case the same priority as any other call involving a threat to life.  
  
Assign at least two (2) officers to every incident whenever possible.
  2. Information Gathering: In addition to information routinely gathered, dispatchers shall make every effort to determine and relay the following information to the responding officers:

Nature of incident.

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Address of the incident.

Telephone number(s) where the caller can be reached.

The presence, involvement, and current location of any weapons in the dwelling or at the scene.

The identity or description of any injured persons, the nature of the injury, and their current location.

The identity or description of the suspect, their current location, or direction and mode of travel if no longer present at the scene.

The relationship between the caller and the suspect.

Any known prior abuse/violence or police calls involving these individuals.

History of domestic calls at that location.

The existence of any Orders for Protection, Restraining Orders, or other court orders in effect.

Whether children are present at the scene.

Whether the suspect is under the influence of alcohol or drugs.

Whether there are non-English speaking people, or people with hearing or mobility impairments present.

### 3. If the caller is the victim, the dispatcher shall:

Attempt to keep the caller on the telephone as long as possible.

Inform the caller help is on the way.

Specify when the caller can expect police officers to arrive.

### 4. If the caller is witness to an incident in progress, the dispatcher shall:

Attempt to keep caller on the phone.

Relay updated information provided by the caller to the responding police officers.

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5. If the responding police officers are some distance away, and the dispatcher cannot remain on the phone with the caller/victim, the dispatcher shall:

Attempt to call back periodically to check on the progress of events.

Call again when the officers arrive at the scene.

6. If the dispatcher finds that a caller/victim who was recently available suddenly cannot be reached by phone, or if there is a persistent busy signal, the dispatcher shall relay that information to the officers.
7. Dispatchers shall not cancel police response to a domestic abuse/violence call based solely on a follow-up call from the residence requesting such cancellation. Dispatchers shall, however, advise the officers of any such follow up request.

### B. Responding Officer Procedures:

1. Officers should respond directly and without unreasonable delay to the scene. Officers may stage close to an incident briefly to await assisting officers, to formulate a coordinated approach, or to take other steps to ensure officer safety. An officer on-scene shall constantly evaluate opportunities for de-escalation or determine the need to enter the residence without waiting for an assisting officer if the situation dictates. Officers shall update dispatch on their status.
2. Upon arriving at the scene:

Officers will activate their audio recorders prior to contacting subjects at the scene.

Officers should identify themselves as officers, explain their presence, and request entry into the home or building.

Officers should attempt to ascertain the safety of all building occupants.

If refused entry, officers shall be persistent about seeing and speaking alone with the victim. If access to the victim is refused, officers should request the dispatcher to contact the caller.

If access is still refused and officers have reason to believe a person within is in imminent danger, officers are permitted to force entry to the building or dwelling.

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If officers are refused entry, have no legal grounds for forced entry, but have reasonable grounds to believe a crime has been committed therein, the officers should contact a supervisor and request permission to obtain a search warrant.

Upon entry to the home through whatever lawful means were used, officers shall secure the location to ensure no further assaults or other crimes occur, determine the location and status of all occupants of the home, and prevent any abusive behavior from continuing or escalating. Officers may detain and restrain persons temporarily to provide for their safety and that of other occupants.

After securing the scene, responding officers shall render the necessary first aid or request further medical assistance for the injured.

Take control of all weapons used or weapons threatened to be used in the crime.

If the person who called law enforcement is someone other than the subject of the call, the officers shall not reveal the caller's identity.

In cases where the victims or witnesses are non-English speaking, hearing impaired, or have communications disabilities; the officers shall use a professional resource list for assistance. Officer shall avoid using friends, family or neighbors serving as the primary interpreter of the investigation whenever possible.

### 3. On Scene Investigation:

Interview all persons at the scene who may have pertinent information regarding the incident.

After interviewing all involved persons, officers shall determine if probable cause exists and an arrest should be made.

Take color photographs of injuries and damaged property.

Officers shall collect all pertinent evidence and statements and document their observations to include but not be limited to:

- (1) Condition of victim's and suspect's clothing
- (2) Excited utterances of the victim or offender.

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- (3) Demeanor of both victim and offender.
- (4) Medical records, including victim statements to paramedics or other medical personnel.
- (5) Interviews of witnesses, including all children present.
- (6) Evidence of any prior domestic abuse or violence, for example related convictions including dates and jurisdictions.
- (7) Any existing Orders for Protection or No Contact Orders, noting the jurisdiction of such orders.

Complete crime or incident reports necessary to fully document the officers' response, regardless of a crime being committed or an arrest being made.

If the offender has left the scene and officers have probable cause to believe a crime was committed, the officer shall:

- (1) Conduct a search of the immediate area to determine if the offender is still in the area or has returned to the area.
- (2) Obtain information from victims and witnesses as to the possible whereabouts of the offender, including names and addresses of employers, family, and friends.
- (3) Refer the case to the investigative unit.

#### 4. Domestic Abuse/Violence Arrest Procedures

Officers shall make an arrest when probable cause and legal authority exist to do so. The decision to arrest is based on the evidence, not upon the victim's desire that an arrest occur.

Field release and issuance of a citation are not permitted in domestic abuse or violence cases when grounds for an arrest are present.

Officers shall emphasize to both the victim and offender that criminal action is being initiated by the tribe and state not the victim.

Arrests shall be made without consideration of:

- (1) Age, race, sex, marital status, sexual orientation, or cultural, social, political or professional position.

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- (2) Ownership, tendency rights of either party, or the fact the incident occurred in a private place.
- (3) Belief that the victim will not cooperate with criminal prosecution.
- (4) Belief that the arrest will not lead to a conviction.
- (5) Verbal assurances that the abuse or violence will stop.
- (6) Disposition of previous police calls involving the same victim or suspect.
- (7) Denial by other party that the abuse occurred, when probable cause exists that it did.
- (8) Lack of a court order restraining or restricting the suspect from domestic assault, abuse, or harassment.
- (9) Concern about reprisals against the victim, including:
  - (a) Adverse financial consequences that might result from the arrest.
  - (b) Chemical dependency or intoxication of the parties.

### 5. Primary aggressor and dual arrests:

Arresting both subjects involved in a domestic assault incident is discouraged by this department.

Where allegations exist that both involved subjects assaulted the other, the officer shall determine if one of the subjects is the primary aggressor. Officers should use their judgment to make this determination based on the following criteria:

- (1) Comparative extent of injuries
- (2) Evidence supporting one subject being the primary aggressor more strongly than it does the other, including the strength of correlation between the evidence and subject and/or witness statements.
- (3) Fear of physical injury due to past or present threats.

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- (4) Actions taken in self-defense or to protect oneself.
- (5) History of domestic abuse or violence perpetrated by one party against the other.
- (6) Existence or previous existence of Orders for Protection.

6. Pursuant to MN Statute 629.342, when an officer does not make an arrest following an investigation of a domestic abuse incident, the officer must provide immediate assistance to the victim including:

Assistance in obtaining necessary medical attention.

Provide the victim with the notice of rights pursuant to MN Statute 629.341. Subdivision 3.

Advise all involved persons about the criminal nature of family violence, its potential for escalation, and resources available.

Officers shall provide the victim with a copy of Crime Victims' Rights. Officers should also contact the available domestic abuse intervention program, either the Crime Victim Advocacy Program or the Women's Service Program, for immediate intervention. The officer should provide the advocate(s) with the following information:

- (1) Victim's name and address
- (2) Victim's contact phone numbers
- (3) Brief factual description of the incident

7. Officers shall remain at the scene of the incident until they believe that the likelihood of further imminent abuse or violence has been eliminated.

8. Procedures Involving Children:

If a child is present at the scene of a domestic call or is the victim of domestic abuse or violence, the officer shall:

- (1) Determine whether the child has been subject to physical abuse, sexual abuse or neglect.
- (2) Comply with the requirements of Minnesota Statutes § 626.556, Reporting of Maltreatment of a Minor.



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Attempt to verify whether an Order for Protection has been issued pursuant to Minnesota Statutes § 260.133.

Escort the child to the nearest hospital for treatment in cases of injury.

### 9. Care of Children Present at Domestic Calls

If the parent or legal guardian of the child can no longer provide care, (e.g., the parent is hospitalized), the officer shall:

- (1) Consult with the parent or legal guardian to determine disposition of the child.
- (2) Make a good faith attempt to comply with the request of the parent or legal guardian.

Child Protection - If the officer reasonably believes that the child's immediate surroundings or conditions endanger the child's health and welfare, the officer may take the child into immediate custody pursuant Minnesota Statutes § 260.165, Subdivision 1(c.) (2), or in compliance with Indian Child Welfare Act.

### 10. Reports and Forms

Officer shall make a report after responding to a domestic call, regardless of an arrest being made.

If an arrest was authorized by this directive for domestic assault or other domestic-related offense, and the officer did not make an arrest or seek an arrest warrant, a detailed explanation of the reasons for the officer's decision not to arrest must be provided.

Written reports shall include the following information:

- (1) Detailed statements from the victim, suspect and witnesses.
- (2) Description of injuries sustained.
- (3) Information on past abuse or violence.
- (4) Description of scene.
- (5) Identity of primary aggressor.
- (6) Presence of elderly victims or those with disabilities.

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(7) Documentation of evidence recovered.

(8) Existence of language or communication difficulties.

Department of Corrections: Domestic Abuse Case Law Enforcement Data  
- The Leech Lake Police Department shall collect data requested on the Police Officer Data Collection Form supplied by the Commissioner of Corrections when the victim is female, Minnesota Statutes § 611A.36, Subdivision 2.

### 11. Procedures for further investigation

A domestic case shall be turned over to the appropriate investigator for further investigation when necessary.

In cases where an arrest is made, the investigator shall review the defendant's criminal history.

If there is record of previous convictions, the officer or investigator shall advise the prosecution of any enhanced criminal sanctions available.

Notwithstanding the fact that the initial responding officer decided not to arrest one of the participants in the domestic call, the investigator or assigned officer shall:

- (1) Ensure all relevant information is documented in the report.
- (2) Refer the report to the prosecution for review and consideration of criminal charges.

### 12. Authority and Types of Arrests

Warrantless Probable Cause Arrest for 5th Degree or Domestic Assault.

- (1) Although the general rule is that officers may not make probable cause arrest for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime so requests), domestic assault is an exception.
  - (a) Pursuant to MN Statute 629.72, a police officer may arrest a person anywhere without a warrant, including at the person's residence, if the police officer has probable cause to believe that the person, within the preceding 72 hours, has assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family household members" definition,

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even if the assault did not take place in the presence of the officer.

(b) A police officer acting in good faith and exercising due care in making an arrest pursuant to the MN Statute 629.72 is immune from civil liability that might result from the officer's action.

(2) An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other person with whom the charged person resides, per MN Statute 629.72.

Level of offense for 5<sup>th</sup> Degree Assault and Domestic Assault:  
Misdemeanor, Gross Misdemeanor and Felony

(1) Assault in the 5th degree and Domestic Assault are typically misdemeanors. However, previous convictions can greatly increase the penalties for these crimes to the gross misdemeanor or felony level.

(2) The assigned officer or investigator is responsible for reviewing current statutory provisions governing enhancement of domestic related offense enhancements and processing the case accordingly.

(3) The assigned investigator or officer is responsible for providing to the prosecutor information pertinent to potential criminal enhancement.

### Stalking

(1) General requirements

(a) Minnesota Statutes § 609.749 specifies crimes at both the felony and gross misdemeanor offenses. The acts covered by statute include several which are frequently applicable to domestic abuse and violence situations even when no assault occurs.

(b) Officers or investigators assigned to domestic calls are responsible to evaluate the case for potential violation of this statute and for determining the level of offense.

## *Directives of the Leech Lake Tribal Police Department*

- (c) Police officers are positioned to make an objective assessment, particularly in domestic situations, regarding allegations of harassment or stalking. Obtaining a complete domestic abuse history is usually key to determining if the current act, considering the circumstances, constitutes the crime of harassment.
  - (d) Due to the potential for stalking to be committed from a remote location, often-times in another city, county or state, for example a phone call made by a person in one jurisdiction to a victim in another, Minnesota law provides that the offense may be prosecuted in either jurisdiction.
    - (i) LLTPD officers shall conduct investigations and submit cases for prosecution when they are aware of violations occurring in whole or in part, within the borders of the LLBO.
    - (ii) The assigned officer or investigator should coordinate with any other law enforcement agency investigating the same conduct to ensure it is only charged in one jurisdiction.
- (2) Aggravated and enhanced violations
- (a) A gross misdemeanor offense of stalking may be enhanced to a felony-level offense if committed within 10 years of the discharge from sentence for a prior conviction of a qualified domestic violence-related offense. Felony charges are also specified in statute if any aggravating violations are present. Aggravating violations, which include evidence of bias, terroristic threats, if committed while possessing a dangerous weapon; or certain incidents of an adult stalking a juvenile.
  - (b) The assigned officer or investigator is responsible for determining the existence of aggravating or enhancing factors and then present that information to the prosecutor so that the offense may be charged at the correct level.

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### 13. Pattern of Stalking Conduct

It is a felony to engage, *"in pattern of harassing conduct with respect to a single victim to one or more members of a single household which the actor know or has reason to know would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim"* Minnesota Statutes § 509.749 defines a *"pattern of stalking conduct"* to mean two (2) or more acts (convictions are not necessary) within a five (5) year period that constitutes any of the several listed offenses. Some of these offenses are: harassing telephone calls, terroristic threats, assault, violation of an order for protection or harassment order, trespass, or criminal defamation.

Officers or investigators assigned to a domestic call shall evaluate if a pattern of stalking conduct exists, and if so to present that information to the prosecutor in support of a criminal charge.

### 14. Probable Cause Felony Arrest for Other Crimes:

Arrest required. Minnesota Statutes § 629.72 specifies that officers may not issue a citation in lieu of arrest in Stalking cases.

An officer may make a warrantless probable cause arrest for Stalking even if the offense did not occur in the officer's presence. (Note: An Assault in the 5th degree may be chargeable as burglary even if the home is also the offender's, if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.)

### 15. Violation of Court Orders

The police office shall verify whether any related court or judicial orders exist before or during an arrest. This verification may be made by the police officer or someone acting at the officer's direction. Methods of verification include personally seeing a copy of the order or obtaining verification from the court or law enforcement agency which issued or possesses the actual order. The police report shall include information identifying the specific court order violated including county of origin, the file number and the provisions allegedly violated.

#### Orders for Protection

- (1) A police officer shall arrest and take into custody without a warrant, a person who the officer has probable cause to believe has violated the restraint or exclusion section of an

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Order for Protection (OFP). Such an arrest shall be made even if the violation did not take place in the officer's presence, if the existence of the order can be verified.

- (2) There are three key points related to an Order for Protection:
  - (a) The law requires an arrest whether the excluded party was invited back to the residence.
  - (b) There is no hours limitation for a warrantless arrest for a violation of an Order for Protection.
  - (c) If there is evidence that a person has violated another provision of an Order for Protection, other than the restraint or exclusion clauses, a police report should be submitted to the prosecutor indicating specifically how the order was violated.
  - (d) Orders for Protection shall be enforced proactively.
- (3) A violation of an OFP is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within five (5) years of discharge from sentence for conviction of violation of an OFP or (effective for crimes occurring on and after 08/01/94) for any conviction of assault, terroristic threats, violation of a harassment order or harassing stalking. Violations are enhanceable to a felony if it occurs within five (5) years of discharge of the first of two (2) or more such convictions.
- (3) LLTPD officers may issue short-form OFP's when indicated by the Hot Files maintained by the Minnesota Bureau of Criminal Apprehension (BCA) indicates a person they are in contact with is an unserved respondent of such an order.

Harassment Restraining Orders - A police officer shall arrest and take into custody a person who the officer has probable cause to believe has violated a harassment restraining order pursuant to Minnesota Statutes § 609.748 if the existence of the order can be verified by the officer. Note: A person who violates a restraining order is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable to a gross misdemeanor if it occurs within five (5) years of the discharge from sentence for a previous conviction for violation of either a harassment order or an OFP or any assault, stalking or terroristic threats conviction. Violations are enhanceable

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to a felony if they occur within five (5) years of the discharge from sentence of the first of two (2) or more such convictions.

### No Contact Orders

- (1) An officer may arrest, without a warrant, any person who the officer has probable cause to believe has violated the provisions of a No Contact or Restraining Order issued by a court, pursuant to Minnesota Statutes § 629.34.
- (2) In many jurisdictions, pre-trial No Contact Orders are routinely issued in crimes against persons cases, including domestics, and are valid until final disposition of the case.
- (3) The pre-trial order is frequently replaced at the time of sentencing by a new No Contact Order issued as a condition of probation. This No Contact Order may be valid for the full probationary period.
- (4) Any No Contact Order may be rescinded by the court at any time. However, the production by the victim of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

16. Other Misdemeanors - At a domestic call, the police officer shall consider whether other crimes have been committed including but not limited to:

Trespassing

Criminal Damage to property

Disorderly Conduct

Witness Tampering

Assault

Directives of the Leech Lake Tribal Police Department

Department: \_\_\_\_\_ Reporting Officer: \_\_\_\_\_

ICR #: \_\_\_\_\_ Date & Time: \_\_\_\_\_

**DOMESTIC VIOLENCE SUPPLEMENTAL REPORT FORM**

\*\*\*TO BE FILLED OUT AT THE SCENE OF THE CRIME AND ATTACHED TO THE PROBABLE CAUSE TO DETAIN IN ALL DOMESTIC ASSAULT, INTERFERENCE WITH A 911 CALL, DANCO VIOLATIONS, OFP VIOLATIONS, & TERRORISTIC THREATS

Victim's Name (Last, First, Middle): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Suspect's Name (Last, First, Middle): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**VICTIM**

<input type="checkbox"/> Angry	<input type="checkbox"/> Apologetic
<input type="checkbox"/> Crying	<input type="checkbox"/> Fearful
<input type="checkbox"/> Hysterical	<input type="checkbox"/> Calm
<input type="checkbox"/> Afraid	<input type="checkbox"/> Irrational
<input type="checkbox"/> Nervous	<input type="checkbox"/> Evasive
<input type="checkbox"/> Denial	<input type="checkbox"/> Threatening
<input type="checkbox"/> Complain of pain	<input type="checkbox"/> Bruises
<input type="checkbox"/> Abrasions	<input type="checkbox"/> Minor Cut(s)
<input type="checkbox"/> Laceration(s)	<input type="checkbox"/> Concussion(s)
<input type="checkbox"/> Alcohol	<input type="checkbox"/> Drugs
<input type="checkbox"/> Concerned	<input type="checkbox"/> Other: _____

**SUSPECT**

<input type="checkbox"/> Angry	<input type="checkbox"/> Apologetic
<input type="checkbox"/> Crying	<input type="checkbox"/> Fearful
<input type="checkbox"/> Hysterical	<input type="checkbox"/> Calm
<input type="checkbox"/> Afraid	<input type="checkbox"/> Irrational
<input type="checkbox"/> Nervous	<input type="checkbox"/> Evasive
<input type="checkbox"/> Denial	<input type="checkbox"/> Threatening
<input type="checkbox"/> Complain of pain	<input type="checkbox"/> Bruises
<input type="checkbox"/> Abrasions	<input type="checkbox"/> Minor Cut(s)
<input type="checkbox"/> Laceration(s)	<input type="checkbox"/> Concussion(s)
<input type="checkbox"/> Alcohol	<input type="checkbox"/> Drugs
<input type="checkbox"/> Concerned	<input type="checkbox"/> Other: _____

**RELATIONSHIP BETWEEN VICTIM & SUSPECT: (Mark all that apply)**

<input type="checkbox"/> Spouse	<input type="checkbox"/> Minor Child		<u>Victim</u>	<u>Suspect</u>
<input type="checkbox"/> Former Spouse	<input type="checkbox"/> Emancipated Child	Prior history of domestic violence?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Cohabitants	<input type="checkbox"/> Adult Child	Prior history of violence documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Dating/Engaged	<input type="checkbox"/> Step-child			
<input type="checkbox"/> Former Partner	<input type="checkbox"/> Parent of Child			
<input type="checkbox"/> Same Sex Partner	from relationship			

**MEDICAL TREATMENT:**

<input type="checkbox"/> None	<input type="checkbox"/> Will seek own doctor	Ambulance Transported: <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> First Aid	<input type="checkbox"/> Ambulance called	Medical release signed: <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Hospital	<input type="checkbox"/> Refused medical aid	Bodily harm form: <input type="checkbox"/> Yes <input type="checkbox"/> No
		Hospital: _____ Ambulance Service: _____

**EVIDENCE COLLECTED:**

From: <input type="checkbox"/> Crime Scene	<input type="checkbox"/> Hospital	<input type="checkbox"/> Other	
Photos: <input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Number: _____	
Clothing: <input type="checkbox"/> Yes	<input type="checkbox"/> No		
Photos of crime scene:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Weapon used during incident:	<input type="checkbox"/> Yes <input type="checkbox"/> No
911 Tape (contact dispatch):	<input type="checkbox"/> Yes <input type="checkbox"/> No	Type of weapon used:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Text messages/voicemails of victim/suspect:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Weapon(s) impounded:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Photos of victim/suspect injuries:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Firearm(s) impounded for safety:	<input type="checkbox"/> Yes <input type="checkbox"/> No



Witnesses/children present during domestic violence:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Statements taken from witnesses/children:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Was ICHHS notified of this incident?:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Was Advocates for Family Peace notified of this incident?:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

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Order for Protection:  Yes  No    DANCO  Yes  No    Victim Given:  Itasca County Victim Packet  
 Harassment Restraining Order  Yes  No

**INJURIES:** List observations including complaints not observed; diagram location.

Front                      Back

Describe the time you were the most frightened or injured by him/her.

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Advocates for Family Peace:  
 On-call advocate: 218-259-3407 or 218-326-0388 press #5  
 During office hours phone number: 218-326-0388

**RISK ASSESSMENT:**  
 \*\*\* These questions are to be asked at the crime scene to the victim.

Do you think he/she will seriously injure or kill you?  
 Yes     No    and/or Your children?  Yes     No

Has he/she ever threatened or prevented you from seeking help, particularly from the police, courts, or an advocate?  
 Yes  
 No

How frequently does he/she intimidate, threaten or assault you or your children?  
 Frequently     Sometimes     Rarely     Never

Has the violence recently gotten worse?  Yes     No

Have your children ever been harmed physically or sexually by him/her?     Yes     No

Have your children ever been scared by him/her?  
 Yes                       No

Has he/she ever pressured or forced you to engage in sexual activity when you didn't want to?  Yes     No

Has he/she ever tried to prevent you from ending the relationship with him/her?  Yes                       No

**HAS SUSPECT STATED OR DISPLAYED ANY OF THE STATEMENTS BELOW?**

- Suicidal and/or homicidal ideation, threats or attempts
- Escalation in frequency and severity of violent episodes
- Weapons owned, threats to use weapons or recent purchase of weapons
- Prior criminal behavior or ODP/HRO
- Diagnosed mental health issues
- Substance abuse (drugs and/or alcohol)  
 Please list: \_\_\_\_\_
- Stalking/preoccupied with victim
- Threatening or violent statements
- Harmed pets or property
- FOR WOMEN: Ever harmed you while pregnant

<b>DIRECTIVE 302</b>	<b>Sexual Assault Investigations</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide officers with guidelines for responding to complaints of sexual assault, for dealing with victims, interfacing with local health and welfare agencies, and conducting interviews with victims and witnesses.

**II. POLICY**

Sexual assault victims are typically traumatized and many, because of the extremely personal nature of the crime, are reluctant to report the offense to police. Often the fear of investigative, medical and prosecutorial procedures adds to a victim's reluctance to report or their unwillingness or psychological inability to assist in the investigation. Officers and criminal investigators play a significant role in the victim's willingness to cooperate in the investigation. The experience a sexual assault victim has with the criminal justice system can affect their ability to cope with the emotional and psychological after-effects of the crime. Therefore, it is this agency's directive to investigate all allegations of sexual assault with compassion and consideration, while conducting a complete and impartial investigation. Further, it is our directive to provide victims of sexual assault with the information and assistance necessary to make the victim's interaction with the criminal justice system as easy as possible.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department who provide law enforcement services to victims of sexual assault incidents while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. DEFINITION**

*Sexual assault:* As referenced in this directive, includes rape and other sexual conduct prohibited by Minnesota law. Sexual assault includes non-consensual sexual contact or penetration as well as consensual sex acts wherein age, position of authority, or other contravening factor, consent is not an element.

**V. PROCEDURE**

A.

## *Directives of the Leech Lake Tribal Police Department*

- B. Initial Call Response - Dispatch Communications Center – Dispatch Communications Center personnel play a critical role in focusing the initial police response by compiling necessary information concerning the victim and offender and providing initial aid and comfort to the victim. This shall include:
1. Ascertaining the medical condition, needs and location of the victim, time of incident.
  2. Obtaining the suspect's identity or description and direction and mode of travel.
  3. Advising the victim not to change clothing, shower, clean, discard, or touch anything in the immediate area.
  4. Staying on the telephone with the victim, providing assistance and comfort until a patrol unit arrives on the scene.
- C. Initial officer response and investigation - Initial responding officers shall be immediately concerned with the well-being of the victim. As soon as circumstances allow, officers shall initiate investigative procedures that facilitate the identification and arrest of suspect(s), and the collection and preservation of evidence. Regarding initial investigation and enforcement actions, the officer(s) shall:
1. Render necessary first aid and request emergency medical assistance if required.
  2. Attempt to gain the victim's trust and confidence by showing understanding, patience, and respect for personal dignity; and by using language appropriate to the age, intelligence and emotional condition of the victim.
  3. Inform the victim that an officer of the same gender will be provided if desired and available.
  4. Help the victim locate family or friends for emotional support, and/or to obtain assistance from victim advocates.
- (1)
5. Limit investigative questioning to those matters necessary to identify the victim and to describe and locate the suspect.

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6. Relay pertinent information to Communications Center personnel, with due regard for the victim's privacy during radio communications.
7. Determine the victim's emotional and physical ability to answer questions concerning the assault and limit questions accordingly.
8. Conduct questioning in private and only by one officer (unless requested otherwise).
9. Generally avoid asking detailed intimate questions regarding the assault.
10. Protect the crime scene including bedding, clothing and related materials and areas. Ask the victim not to wash until a medical examination has been performed.
11. Request the victim to consent to a medical examination, emphasizing its importance to the investigative and apprehension efforts. If the victim consents, advise hospital staff to contact a Sexual Assault Nurse Examiner (SANE) Nurse.
12. Accompany the victim to the hospital and relay pertinent information concerning the assault to the examining physician. Officers should not be present in the examination room while the exam is occurring.
13. Remain at the hospital until family members, support service personnel or investigators arrive.
14. Work with the examining physician to ensure the medical examination includes collecting blood and saliva samples, pubic and head hair samples and combings, fingernail scrapings, vaginal smears, and oral swabs and photographs, where applicable.
15. Ensure that all evidence is properly labeled and stored.
16. Arrange for the victim to provide a statement to investigating officers.
17. Request the victim sign a Medical Release Form allowing police access to their relevant medical records.
18. Ensure that the signed Medical Release Form is turned in to the hospital's records department.

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- D. An investigative officer will be assigned to the investigation as soon as possible after the initial complaint. The officer(s) shall remain on the case until it is closed or removed from their responsibility. The Investigative Officer(s) shall:
1. Compile the basic investigative information contained in the initial interview, criminal complaint and medical examination.
  2. Conduct the initial interview that will allow the victim to describe the incident without interruption.
  3. Determine the victim's emotional and physical ability to submit to an in-depth interview. The investigator should schedule the interview as soon practicable following the incident. During this interview, the investigator should:
    - a) Employ a comfortable setting that affords privacy and freedom from distractions, attempting to obtain all necessary information at this time.
    - b) Explain the need for obtaining detailed information concerning the crime to include details of the sex act, the suspect's modus operandi, clothing, any means used to restrain the victim, the use or availability of weapons, any words used or instructions given to the victim. The investigator should obtain or confirm suspect descriptors to include marks, scars, tattoos, deformities or other unusual physical features, distinctive speech pattern or accent, or body odor of the suspect. The investigator should verify previously reported or discover any previously undisclosed witnesses, participants or accomplices that may be described or identified by the victim.
  4. Document the victim's actions in response to the attack, including the type and degree of any resistance offered, the nature of the acquaintance with the suspect to include any prior intimate relationships, and the state of mind of the victim during the attack.
  5. Determine the degree to which the victim has received support from family, friends and victim advocacy groups and encourage/facilitate these interactions where possible.

## *Directives of the Leech Lake Tribal Police Department*

6. Determine whether the victim has filed any sexual assault complaints in the past or has a criminal record.
  7. Review the victim's account of the event to reconcile any discrepancies with earlier accounts and to elaborate on issues of significance to the prosecution.
  8. Encourage the victim to assist in the prosecution of the case; should he/she hesitate to do so, emphasize the importance of prosecution for public safety.
  9. Solicit the victim's continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require their involvement and cooperation.
  10. Work with the prosecutor's office to develop the case, to familiarize the victim with the types of inquiries they may face during cross-examination, and to ensure that requests for victim protection orders are made where indicated.
  11. Maintain continued contact with the victim to ensure appropriate mental health and other support services are readily available.
- E. Investigating sexual assaults with juvenile victims shall incorporate procedures set forth in this agency's directive on child abuse and neglect.
- E. Due to the sensitive nature of child sexual assault, and the relative infrequency of such cases, investigators are encouraged to seek the assistance of specialized or expert investigative assistance from the Minnesota Bureau or Criminal Apprehension or other law enforcement agencies.

<b>DIRECTIVE 303</b>	<b>Missing Persons</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The Leech Lake Tribal Police Department (LLTPD) has established guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in Minnesota Statutes, Chapter 299C.52, subd. 1 (c) and (d) (“Minnesota Missing Children and Endangered Persons’ Program” referred to as Brandon’s Law).

This General Order addresses investigations where the person has been determined to be both missing and endangered and includes all procedures required by Minnesota Statutes Chapter 299C.52.

**II. POLICY**

The Leech Lake Tribal Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with the procedures contained in this directive.

**III. DEFINITIONS**

- A. *Missing*: “The status of a person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located” (Minnesota Statutes, Chapter 299C.52, subd. 1 (d)).
- B. *Endangered*: “A law enforcement official has recorded sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:
  - 1. The person is missing as a result of a confirmed abduction or under circumstances that indicate that the person’s disappearance was not voluntary;
  - 2. The person is missing under known dangerous circumstances;

## *Directives of the Leech Lake Tribal Police Department*

3. The person is missing more than 30 days;
4. The person is under the age of 21 and at least **one other factor** in this paragraph is applicable;
5. There is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication;
6. The person does not have a pattern of running away or disappearing;
7. The person is mentally impaired
8. There is evidence that the person may have been abducted by a noncustodial parent;
9. The person has been the subject of past threats or acts of violence;
10. There is evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search and rescue efforts are critical.
11. Any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

(Minnesota Statutes, Chapter 299C.52, subd. 1 (c)).

- C. *Child*: "Any person under the age of 18 years or any person certified or known to be mentally incompetent" (Minnesota Statutes, Chapter 299C.52, subd. 1 (a)).
- D. *NCIC*: The National Crime Information Center
- E. *CJIS*: The Criminal Justice Information System
- F. *DNA*: Deoxyribonucleic acid from a human biological specimen (Minnesota Statutes, Chapter 299C.52.subd. 1 (b))

#### **IV. PROCEDURE**

- A. Initial Response



## *Directives of the Leech Lake Tribal Police Department*

1. As required by Minnesota Statutes, Chapter 299C.53, subd. 1(a), an officer shall accept, without delay, any report of a missing person. An officer **shall not** refuse to accept a missing person report on the basis that:
  - a) the missing person is an adult;
  - b) the circumstances do not indicate foul play;
  - c) the person has been missing for a short period of time;
  - d) the person has been missing for a long amount of time;
  - e) there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
  - f) the circumstances suggest that the disappearance may be voluntary;
  - g) the reporting person does not have personal knowledge of the facts;
  - h) the reporting person cannot provide all the information requested by the law enforcement agency;
  - i) the reporting person lacks a familial or other relationship with the missing person; or
  - j) for any other reason, except in cases where the law enforcement agency has direct knowledge, that the person is, in fact, not missing, and the whereabouts and welfare of the person are known at the time the report is filed.
  
2. An officer receiving a report of a missing person shall conduct a preliminary investigation to determine whether the person is missing, and if missing, whether a missing person record may be entered the NCIC Missing Person File using one of the following NCIC entry categories:

## *Directives of the Leech Lake Tribal Police Department*

- a) Disability - A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting him/herself or others to personal and immediate danger.
  - b) Endangered - A person of any age who is missing under circumstances indicating that his/her physical safety may be in danger.
  - c) Involuntary - A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping.
  - d) Juvenile - A person under the age of 18 who is missing and does not meet any of the entry criteria set forth in 1, 2, 3, or 5. This record type should be used only for juveniles who voluntarily run away. For example, a 2-year-old child reported missing should not be entered under record type J.
  - e) Catastrophe Victim - A person of any age who is missing after a catastrophe, such as a tornado or plane crash. Catastrophe records may be entered by any agency involved in identifying victims of a disaster. No written documentation is required for entry into this category.
  - f) Other - A person age 18 or older not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his/her safety.
3. Initial response procedures for a **missing and endangered person**:
- a) As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension.
    - (1) Determine whether there are criteria for an AMBER Alert to be issued and if so, contact BCA with victim and suspect information.
    - (2) Request assistance as necessary.
  - b) Obtain interpretive services if necessary.
  - c) Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).

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- d) Determine when, where, and by whom the missing person was last seen.
- e) Interview the individual(s) who last had contact with the person.
- f) Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photo of missing person.
- g) NCIC Entry:
  - (1) Following NCIC directive, complete descriptive and critical information regarding the missing and endangered person shall be entered into the appropriate category (Disability, Endangered, Involuntary, Runaway Juvenile, or Catastrophe Victim) of the NCIC Missing Person File. A current Department of Vehicle Services (DVS) and CCH/III inquiry will be performed to obtain personal descriptors and numeric identifiers in order to pack the record.
  - (2) As required by 42 U.S.C. 5779(a) (Suzanne's Law), within two hours, NCIC identifying and description information about missing children less than 21 years of age and missing persons regardless of age determined to be endangered will be entered into NCIC. The two-hour clock starts when minimum information required for entry is received. A statement that specifies the start of the 2-hour clock shall be documented in the report. Records for missing adults not determined to be endangered shall be entered immediately into NCIC upon receipt of the minimum amount of data required for entry, not to exceed three days.
  - (3) Per the CJIS manual, version 03/31/97, section 10.2, 'A record of a missing adult (those 21 and over) may be entered in the Missing Person File provided the entering agency has signed documentation in its possession supporting the stated conditions under which the person is declared missing. This documentation will aid in the protection of the individual's right to privacy. The documentation must be from a source such as a parent, legal guardian, next of kin, physician, investigating officer or other authoritative source including friend or neighbor in unusual circumstances.' NCIC directive

## *Directives of the Leech Lake Tribal Police Department*

states “when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice.” Signed documentation is not necessary for a catastrophe victim.

- (4) A missing person report filed with an agency which has jurisdiction is sufficient documentation for entering a juvenile in the NCIC Missing Person File.”
  - (5) Hot File entries, modifications and cancellations will be performed by the sheriff’s office that entered the record. LLTPD officers shall request the dispatch center to notify the applicable sheriff’s office to clear the entry.
  - (6) Second Party Verification: LLTPD records personnel other than the entering party will conduct a 2<sup>nd</sup> party verification check of information entered in the NCIC/CJIS Hot Files. This verification should include querying and reviewing the record, ensuring that the record is ‘packed’ with all available information, that any available cross-checks (e.g., driver license and motor vehicle records) were made, and that data contained in the NCIC record matches and is documented by data in the police report. The Second Party check will be documented in the case file.
  - (7) Within 60 days after the original entry, the LLTPD will verify and attempt to update the record of a person still listed as missing with medical and dental records, if available. Updated information and attempts to document this information shall be kept with the case file.
- h) Insure that complete descriptive information regarding suspects/vehicle is entered in the NCIC system.
  - i) Request investigative and supervisory assistance.
  - j) Update additional responding personnel.
  - k) Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use The International Justice & Public Safety Network (NLETS), the Minnesota Crime Alert

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Network, and MNJIS KOPS Alert to alert state, regional and federal law enforcement agencies.

- l) Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
- m) Secure the crime scene and/or last known position of the missing person and attempt to identify and interview persons in the area at the time of the incident.
- n) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- o) Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network, etc.).
- p) Implement multi-jurisdictional coordination / mutual aid plans as necessary.
- q) Based on the preliminary investigation, determine if a physical search is required.

### B. Initial Investigation

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

### C. Investigation

1. Begin setting up the Command Post/Operation Base away from the person's residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator,

## *Directives of the Leech Lake Tribal Police Department*

Investigative Coordinator, Communication Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.

2. Establish the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use and follow up on all leads.
3. Compile a list of known sex offenders in the region.
4. In cases of infant abduction, investigate claims of home births made in the area.
5. In cases involving children, obtain child protective agency records for reports of child abuse.
6. Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
7. Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
8. Create a Missing Persons' Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
9. Update the NCIC file, as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
10. Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
11. For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
12. Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:

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- a) Available Search and Rescue (SAR) resources.
  - b) Investigative Resources.
  - c) Interpretive Services.
  - d) Telephone Services (traps, traces, triangulation, etc.).
  - e) Media Assistance (Local and National).
13. Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.
  14. Appoint an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.
  15. Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.
  16. A *Minnesota Missing Persons Bulletin Information and Release Form* will be supplied to the complainant.
- D. 30-Day Benchmark
1. If the person remains missing after 30 days from entry into NCIC, the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received). Attempts to obtain this information will be documented in the case file:
    - a) DNA samples from family members and, if possible, from the missing person;
    - b) Dental information and x-rays;

## *Directives of the Leech Lake Tribal Police Department*

- c) Additional photographs and video that may aid the investigation or identification;
    - d) Fingerprints; and
    - e) Other specific identifying information.
  2. If the person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person is endangered and update the record in NCIC to reflect the status change.
- E. Prolonged Investigation
  1. Develop a profile of the possible abductor.
  2. Consider the use of a truth verification device for parents, spouse, and other key individuals.
  3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
  4. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
  5. Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
  6. Develop a time-line and other visual exhibits.
  7. Critique the results of the on-going investigation with appropriate investigative resources.
  8. Arrange for periodic media coverage.
  9. Consider utilizing rewards and crime-stoppers programs.
  10. Update NCIC Missing Person File information, as necessary.



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11. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.
  12. Maintain contact with the family and/or the reporting party or designee as appropriate.
- F. Recovery/Case Closure
1. Missing Persons Located Alive
    - a) Verify that the located person is the reported missing person.
    - b) If appropriate, arrange for a comprehensive physical examination of the victim.
    - c) Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
    - d) Notify the family/reporting party that the missing person has been located. (In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
    - e) Dependent on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
    - f) Cancel alerts (Minnesota Crime Alert, AMBER Alert, Minnesota Missing/Unidentified Persons Clearinghouse, etc.), remove case from NCIC (as required by MN Statute 299C.53. subd 2) and other information systems and remove posters and other publications from circulation.
    - g) Perform constructive post-case critique. Re-assess the procedures used and update the Department's directive and procedures as appropriate.
  2. Missing Persons Located Deceased
    - a) Secure the crime scene.

## *Directives of the Leech Lake Tribal Police Department*

- b) Contact coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
- c) Collect and preserve any evidence at the scene.
- d) Depending the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
- e) Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.
- f) Perform constructive post-case critique. Re-assess the procedures used and update the Department's directive and procedures as appropriate.

Directives of the Leech Lake Tribal Police Department

Minnesota Missing Person Report

Missing Person Record Type: <input type="radio"/> Disability <input type="radio"/> Juvenile <input type="radio"/> Endangered <input type="radio"/> Catastrophe Victim <input type="radio"/> Involuntary <input type="radio"/> Other	Report Date	Case Number (OCA)
	Report Time	Agency Identifier (ORI)

The following information is mandatory:

Name (NAM) Last, First, M	Sex (SEX) <input type="radio"/> Male <input type="radio"/> Female
Aliases (AKA)	
RACE (RAC) <input type="radio"/> Asian/Pacific Islander (A) <input type="radio"/> American Indian/Alaskan Native (I) <input type="radio"/> Black (B) <input type="radio"/> White (W) <input type="radio"/> Unknown (U)	Height (HGT) _____ Weight (WGT) _____ MNP <input type="radio"/> Missing person <input type="radio"/> Disaster Victim <input type="radio"/> Child Abduction
Eye Color (EYE) <input type="radio"/> Brown (BRO) <input type="radio"/> Hazel (HAZ) <input type="radio"/> Unknown (XXX) <input type="radio"/> Black (BLK) <input type="radio"/> Gray (GRY) <input type="radio"/> Maroon (MAR) <input type="radio"/> Multicolored (MUL) <input type="radio"/> Blue (BLU) <input type="radio"/> Green (GRN) <input type="radio"/> Pink (PNK)	
Hair Color <input type="radio"/> Black (BLK) <input type="radio"/> Blonde (BLN) <input type="radio"/> Blue (BLU) <input type="radio"/> Brown (BRO) <input type="radio"/> Gray/Partially (GRY) <input type="radio"/> Green (GRN) <input type="radio"/> Orange (ONG) <input type="radio"/> Pink (PNK) <input type="radio"/> Purple (PLE) <input type="radio"/> Red/Auburn (RED) <input type="radio"/> Sandy (SDY) <input type="radio"/> White (WHT) <input type="radio"/> Unknown or Completely Bald (XXX)	
Date of Last Contact (DLC)	Juvenile (JUV) <input type="radio"/> Yes <input type="radio"/> No Missing Person Circumstances (MPC) if JUV=Y <input type="radio"/> Runaway <input type="radio"/> Abducted by stranger (S) <input type="radio"/> Abducted by non-custodial parent (N)
Location	

At least one of the following numeric identifiers

Date of birth (DOB)	Additional (DOB)	Date of emancipation (DOE)	Social Security Number (SOC)	FBI Number (FBI)
Operator's License Number (OLN)	Operator's License State (OLS)		Operator's License Year (OLY)	License Plate Number (LIC) _____ License Plate State (LIS) _____ License Year (LIY) _____ License Type (LIT) _____

Vehicle Information

VIN	Vehicle Make (VMA)	Vehicle Model (VMO)
Vehicle Style (VST)	Vehicle Year (VYR)	Vehicle Color (VCO)

Place of birth (POB)	Citizenship (CTZ)
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Caution and medical conditions - check all that apply

<input type="checkbox"/> Alcoholic (55)	<input type="checkbox"/> Epilepsy (65)	<input type="checkbox"/> Hemophiliac (85)	<input type="checkbox"/> Medication required (80)
<input type="checkbox"/> Allergies (60)	<input type="checkbox"/> Escape risk (25)	<input type="checkbox"/> International fit risk (40)	<input type="checkbox"/> Sexually violent predator (30)
<input type="checkbox"/> Armed & dangerous (00)	<input type="checkbox"/> Explosives expert (15)	<input type="checkbox"/> Known to abuse drugs (20)	<input type="checkbox"/> Suicidal (70)
<input type="checkbox"/> Diabetic (90)	<input type="checkbox"/> Heart condition (50)	<input type="checkbox"/> Martial arts expert (10)	<input type="checkbox"/> Violent tendencies (05)
<input type="checkbox"/> Other (01) _____			

Directives of the Leech Lake Tribal Police Department

Scars, Marks, Tattoos and other characteristics (SMT)			
Fingerprint classification (FPC)	Skintone (SKN)	Bloodtype (BLT)	Circumcision (CRC) <input type="radio"/> Was (C) <input type="radio"/> Was not (N) <input type="radio"/> Unknown (U)
Footprints available? <input type="radio"/> Yes <input type="radio"/> No	Body x-ray (BXR) <input type="radio"/> No x-ray (N) <input type="radio"/> Available all body parts (F) <input type="radio"/> Available some body parts (P)	Does the missing person have corrective vision? (SMT) <input type="radio"/> Yes <input type="radio"/> Glasses <input type="radio"/> No <input type="radio"/> Contacts	
Jewelry Types - check all that apply			
<input type="checkbox"/> Ankle bracelet (AB)	<input type="checkbox"/> Backpack (BK)	<input type="checkbox"/> Belt buckle (BB)	<input type="checkbox"/> Broach/pin (BP)
<input type="checkbox"/> Cigarette lighter/case (CL)	<input type="checkbox"/> Comb (CO)	<input type="checkbox"/> Cuff links (CU)	<input type="checkbox"/> Earrings (ER)
<input type="checkbox"/> Key chain (KC)	<input type="checkbox"/> Money clip (MC)	<input type="checkbox"/> Necklace (NE)	<input type="checkbox"/> Pocket knife (PK)
<input type="checkbox"/> Pocket watch/vest chain (PC)	<input type="checkbox"/> Ring (RI)	<input type="checkbox"/> Tie chain,clasp (TC)	<input type="checkbox"/> Wallet or purse (WP)
<input type="checkbox"/> Watch (WA) wrist/pocket	Jewelry description		
<input type="checkbox"/> Wrist bracelets (WB)			
Notify originating Agency? <input type="radio"/> Yes <input type="radio"/> No	DNA profile available? (DNA) <input type="radio"/> Yes <input type="radio"/> No	DNA Location (DLO)	
Miscellaneous (MIS): Additional descriptive information such as clothing description, scars marks and tattoos descriptions, possible destination, medication required, other identifying information:			
Missing person address		Missing person occupation	
Close friends/relatives			
Places frequented (MIS)			
Possible destination			
Reporting party information			
Reporting party name		Reporting party phone	
Reporting party address		Relationship	
Reporting officer		Agency phone	
Investigating officer phone	Date of NCIC entry	NCIC number (NIC)	
Reporting party signature		Photo obtained? Entered NCIC? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No	

*Directives of the Leech Lake Tribal Police Department*

Additional narrative	
Subject located	
Located at:	Date
Located by:	Disposition:
Reporting party	
Date record cancelled	Cancelled by

<b>DIRECTIVE 304</b>	<b>Court Protection Orders</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide officers with information and guidelines on how to process and enforce court protection orders.

**II. POLICY**

Research reveals that nearly one-third of all female homicide victims in the United States are killed by their husband or boyfriend. Another one-third of all emergency hospital visits by women are due to injuries sustained in domestic violence. Children are direct or indirect victims of abuse in more than half of domestic violence cases. Without intervention, the pattern of abusive typically escalates in frequency and intensity. One important means of intervention is the issuance of an order protection from the courts. The protection order limits or prohibits contact between individuals in abusive domestic situations. Therefore, it is the directive of the LLTPD to fully enforce these orders and to maintain a system that will provide up to date information on these orders to officers responding to domestic disturbances.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department who enforce or assist in the enforcement of court protection orders while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Processing of Court Protection Orders: The LLTPD's court liaison authority shall ensure that copies of all protection orders enforceable within this jurisdiction are received in a timely manner from the issuing authority.
- B. Orders requiring service by the LLTPD shall be processed in accordance with standard operating procedures for service of civil process.
- C. Required information from the order will be entered into the LLTPD's information management system as referenced by the respondent's last name and victim's name and address, and a copy of the order will be forwarded to Dispatch Communications Center personnel.

## *Directives of the Leech Lake Tribal Police Department*

- D. The Dispatch Communications Center supervisor shall ensure that pertinent information relative to all current court order protection orders is readily available to Dispatch Communications Center Personnel.
- E. Enforcement of Court Protection Orders: Breach of a valid court order shall be enforced in the same manner and with the same vigor as violations of statutory law. When encountering potential violations in domestic violence or other contexts, the officer shall follow these procedures:
- F. In cases of domestic violence, officers shall use all reasonable means to quell open conflict, protect the victim(s) and enforce the law as applicable in procedures set forth in the directive on domestic violence.
- G. Officers are responsible for determining whether a valid court protection order is in force. The officer shall verify existence of the order and its provisions by referring to the copy provided by the victim or by requesting that Dispatch Communications personnel check the LLTPD's information system.
- H. Arresting the offender is the LLTPD's preferred response, when:
  - 1. Provisions of the court order have been violated and the violation is grounds for arrest.
  - 2. Probable cause for arrest exists, whether or not the victim wishes to file a complaint. Note: In violation of a valid court order, violators may be charged with contempt of court as well as other violations of law evidenced at the scene.
- I. Officers shall follow all applicable procedures set forth in the LLTPD directive on Domestic Violence regarding conducting the on-scene investigation and providing victim assistance and crime prevention measures.

<b>DIRECTIVE 305</b>	<b>Show Ups, Line-ups &amp; Photo Line-ups</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to establish guidelines for the use of eyewitness identifications involving show ups, photographic identifications and Lineups.

**II. POLICY**

Eyewitness identification is a frequently used investigative tool. As such, officers shall strictly adhere to the procedures set forth here in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department who administer Show-ups, line-ups, or photo line-ups, while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

A. Show Ups – Many courts have suppressed identification evidence based on the use of show-ups, because of the inherent suggestiveness of the practice. Therefore, the use of show-ups, other than *roadside Show-ups*, should be avoided whenever possible in preference for the use of an in-person Lineup. However, when circumstances require the use of show ups, the following guidelines shall be followed:

1. Roadside Show-ups are generally allowed when used at or near a crime scene within a short time of the alleged offense. They are very useful to quickly rule-in or rule-out subjects detained in the immediate search for suspects.
2. Officers or investigators should consult with the applicable prosecuting attorney regarding the advisability of a show-up, other than a roadside show-up, for a specific case prior to using one.
3. Show-ups shall not be conducted when the suspect is in a cell, manacled or dressed in jail clothing.



## *Directives of the Leech Lake Tribal Police Department*

4. Show-ups shall not be conducted with more than one witness present at a time. If the show-up is conducted separately for more than one witness, the witnesses shall not be permitted to communicate with each other before or after the show-up regarding the identification of the suspect.
  5. The same suspect shall not be presented to the same witness more than once.
  6. Show-up suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or perform other actions of the perpetrator.
  7. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator shall be scrupulously avoided.
- B. Photographic Lineup identification
1. Photographic Lineup identifications must use multiple photographs shown to a witness individually or simultaneously in a book or array.
  2. Principles for conducting Lineups generally apply to photo Lineup identifications. In particular, officers shall:
    - a) Use at least six photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race.
    - b) Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic composition and never mix mug shots with other snapshots or include more than one photo of the same suspect.
    - c) Cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the array.
    - d) Show the photo array to only one witness at a time.
    - e) Never make suggestive statements that may influence the judgment or perception of the witness.

## *Directives of the Leech Lake Tribal Police Department*

3. Officers shall preserve the photo array together with full information about the identification process for future reference.
- C. Lineups - When conducting in-person Lineups, the primary investigating officer shall be responsible for:
1. Scheduling the Lineup on a date and time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel and all witnesses.
  2. Fulfill the necessary legal requirements for transfer of the subject to the Lineup location. Officers should make timely notice to detention centers regarding the transport arrangements of Lineup subjects who are incarcerated.
  3. Making arrangements to have four to six other persons act as “fill ins” at the Lineup who are of the same race and gender and of the same approximate height, weight, age, and physical appearance. Officers should ensure that all persons presented in the lineup are similarly clothed.
- D. The officer in charge of conducting a Lineup shall:
1. Ensure that the subject has been informed of their right to counsel, if formal charges have been made against them, and that they have the opportunity to retain counsel or request that one be provided.
  2. Obtain a written waiver on the prescribed departmental form should the subject waive the right to counsel.
  3. Allow counsel representing the subject sufficient time to confer with the subject prior to the Lineup and observe the manner in which the Lineup is conducted.
  4. Inform the subject they may take any position in the Lineup they prefer and may change positions prior to being presented to a new witness.
  5. Ensure all persons in the Lineup are numbered consecutively and referred to only by number during the Lineup.
  6. Ensure a written record and video recording of the Lineup proceedings is made and retained.

## *Directives of the Leech Lake Tribal Police Department*

7. Ensure witnesses are not permitted to see or view any images of the subject prior to the Lineup.
8. Ensure that only one witness views the Lineup at a time and that witnesses do not speak with one another during the Lineup proceeding.
9. Scrupulously avoid making statements or casual comments, giving clues, or providing unnecessary or irrelevant information that may influence the witness' decision making process or perception in any manner.

<b>DIRECTIVE 306</b>	<b>Targeting Violent Crime</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This purpose of this directive is to provide operational guidelines for the Targeting Violent Crime Task Force members to reduce crime on the Leech Lake Reservation.

**II. POLICY**

The Leech Lake Tribal Police Department (LLTPD) recognizes and respects the value and integrity of each human life. LLTPD officers are vested with lawful authority to target violent crime. The provisions of this directive will empower officers to effectively reduce and/or eliminate violent crime to maximize public welfare.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department who respond to, investigate, or address violent crime while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Mission of the Targeting Violent Crime Task Force**

1. Identify, arrest and seek prosecution of drug offenders, including street level users and sellers, as well as those involved in major trafficking and conspiracies.
2. Identify, disrupt criminal activities, and where appropriate, seek prosecution of individuals involved in illegal gang activities.
3. Develop and maintain an intelligence-sharing process for tracking drug and gang activities.
4. Disseminate information regarding drug and gang activities to appropriate law enforcement agencies.
5. Provide drug and gang training to LLTPD personnel.
6. Support community-based anti-drug and gang education programs in schools and at community meetings.

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7. Solicit the support and cooperation of the Leech Lake Housing Authority's Board of Commissioners to enforce housing guidelines.
  8. Identify, locate and arrest fugitives and violent offenders on warrants.
- B. Identify, Arrest and Seek Prosecution of Drug Offenders
1. Direct an intensive enforcement initiative on drug and gang activity on the Leech Lake Reservation.
  2. Employ investigative practices to identify and arrest offenders.
  3. Use covert surveillance on known drug trafficking areas to identify drug users, sellers and traffickers.
  4. Utilize confidential informants and undercover personnel to establish probable cause for arrest and search warrants.
  5. Use "knock and talk" tactics to quickly respond to reports of illegal drug activity.
  6. Utilize high-visibility patrols to disrupt "open-air" drug sales.
- C. Identify, Disrupt and Seek Prosecution of Individuals Involved in Illegal Gang Activity
1. Utilize special patrol tactics, such as saturations and foot patrols, to disrupt or discourage gang activity.
  2. Conduct surveillance and sweeps in areas of high gang activity to identify and arrest those engaged in illegal activity.
  3. Enforce trespassing laws on private property and discourage loitering on common grounds.
  4. Attempt to identify suspected gang members, their affiliation and territory by in-person contact.
  5. Locate, identify and facilitate the removal of gang graffiti.
- D. Develop and Maintain an Investigative Network for Tracking Illegal Drug and Gang Activities

## *Directives of the Leech Lake Tribal Police Department*

1. Provide law enforcement agencies with on-going, up-to-date investigative information regarding drug and gang activities on the Leech Lake Reservation.
  2. Assign narcotics investigators, police officers and juvenile crime prevention officers within the Leech Lake Reservation.
  3. Maintain communications with the Headwaters Safe Trails Task Force and other drug, violent crime, or gang task forces with jurisdiction concurrent with or adjacent to the LLBO.
  4. Disseminate investigative information to task forces, county agencies, and area police departments concerning gun, gang, and drug information.
  5. Work with probation and parole agencies to identify and monitor drug/gang offenders.
  6. Review daily arrest records of the four counties within the Leech Lake Reservation to monitor activity of drug and gang offenders.
- E. Provide Drug and Gang Training to Leech Lake Tribal Police Department Personnel
1. Keep LLTPD advised of the latest drug and gang investigative information, including strategies and tactics being used by the task force.
  2. Provide in-service and Department training upon request.
  3. Train officers in specialized drug training and gang training.
  4. Provide ride-a-longs for interested personnel.
- F. Support Community-Based Anti-Drug and Anti-Gang Educational Programs
1. Offer D.A.R.E. and other anti-drug presentations within the various communities of the Leech Lake Reservation.
  2. Through personal contacts, provide treatment program information.
  3. Provide information and/or training on gangs to area schools and other community based organizations.

## *Directives of the Leech Lake Tribal Police Department*

- G. Solicit the Support of the Residents of the Leech Lake Reservation to Suppress Illegal Drug and Gang Activities
  - 1. Encourage area residents to report illegal and/or suspicious drug and gang activity.
  - 2. Through local media, publicize the operation of the Task Force and request citizen involvement.
  - 3. Offer gang and drug presentations to the Local Indian Councils and other community groups.
  - 4. Provide the public with information on how to report incidents directly to the unit.
  
- H. Identify High Drug and Gang Activity Areas and Those Individuals Involved in the Distribution of Illegal Drugs.
  - 1. Implement a policing strategy that discourages “open-air” distribution of illegal drugs.
  - 2. Utilize saturations and foot patrols to discourage “open-air” drug transactions.
  - 3. Identify and investigate suspected major illegal narcotic transactions as directed by law enforcement heads or officials.
  
- I. The Duties and Responsibilities of the Investigative Operations Supervisor
  - 1. Organize, coordinate and supervise the operations of the task force’s field operations.
  - 2. Assign evidence custodians.
  - 3. Assign follow-up investigations requiring immediate response.
  - 4. Conduct case review in active investigations.
  - 5. Monitor investigative expenditures.
  - 6. Pre-approve and monitor overtime expenditures.
  - 7. Perform assigned administrative tasks.
  - 8. Coordinate task force efforts with surrounding agencies.

## *Directives of the Leech Lake Tribal Police Department*

9. Plan, coordinate and lead tactical operations.
10. Assist with daily de-briefings.
11. Inform the Chief of Police of investigative operations.

### J. Duties and Responsibilities of the Patrol Officer:

1. Provide immediate investigative response to significant in-progress drug offenses occurring on the Leech Lake Reservation.
2. Initiate short term street-level drug investigations.
3. Assist other law enforcement agencies and officers with gang-related criminal investigations.
4. Provide additional investigative support to the Task Force.

### K. The Duties and Responsibilities of Task Force Field Operations:

1. Use high-visibility operations, specialized patrol tactics to discourage gang activities and disrupt “open-air” drug markets.
2. Conduct surveillance to identify and arrest drug offenders.



<b>DIRECTIVE 401</b>	<b>Juvenile Enforcement &amp; Custody</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

**II. POLICY**

It is the responsibility of all members of the LLTPD to familiarize themselves with juvenile problems and established procedures for handling both criminal and non-criminal juvenile incidents as defined in this directive. Officers must bear in mind that only a small percentage of detained juveniles may require secure custody; the clear majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. Officers shall take, whenever reasonable and justified under this directive, those measures intended to effect positive change in juvenile offenders that are consistent with tribal and state law and the safety and security interests of the community.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. DEFINITIONS**

- A. *Habitual Truant:* A habitual truant is a child under the age of 16 years absenting himself from school without lawful excuse for seven school days if the child is in elementary school, or one or more class periods on seven school days if the child is in middle school, junior high school, or high school.
- B. *Runaway:* A runaway is an unmarried child under the age of 18 years who absents himself from the home of his parent or other lawful placement without the consent of his parent, guardian, or lawful custodian.
- C. *Juvenile Petty Offender:* A juvenile petty offender is a child who:

## *Directives of the Leech Lake Tribal Police Department*

1. Violates Minnesota Statutes § 609.685 (use of tobacco), or
  2. Commits a *Status Offense*, a violation of law or local ordinance which by the terms of the ordinance is not a violation for an adult and which violation is not included in a juvenile alcohol offense or juvenile controlled substance offense described below. (Example, curfew), or
  3. Is uncontrolled by his or her parent, guardian, or custodian because of being wayward or habitually disobedient.
- D. *Juvenile Alcohol Offender*: A juvenile alcohol offender is a juvenile who violates Minnesota Statutes § 340.035, Subd. 1(4), 1(5) or 1(6), or Minnesota Statutes § 340.731, or an equivalent local Ordinance. These laws refer to the possession or consumption of non-intoxicating or intoxicating malt liquor and do not include the prohibition for a person to procure alcohol for a minor, which remains an act of delinquency.
- E. *Juvenile Controlled Substance Offender*: A juvenile controlled substance offender is a child who violates Minnesota Statutes § 152.09, Subd. 1(2), with respect to a small amount of marijuana, or an equivalent local ordinance. This law does not include the giving or selling of marijuana or the possession of marijuana in a motor vehicle under Minnesota Statutes § 152.15, all of which remain acts of delinquency.

### **V. PROCEDURE**

- A. Enforcement Alternatives – Officers acting in an enforcement capacity may exercise reasonable discretion as outlined in this directive when dealing with juveniles. Officers have many alternatives available as they consider their response. These alternatives include:
1. Release without further action.
  2. Informal counseling to inform the youth of the consequences of his/her actions.
  3. Informal referrals to community services.
  4. Referral to parents or responsible adult.

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5. Informal counseling of parents or responsible adult.
  6. Limited custody and station house warning.
  7. Issuance of a summons or complaint.
  8. Arrest under non-secure custody.
  9. Arrest under secure custody.
- B. Enforcement Criteria – Officers may refer to the following general guidelines when determining the actions to take when dealing with juvenile incidents:
1. Juvenile Petty Offenses and other minor offenses not involving injury or property damage - Officers have many options available to them when dealing with juvenile status offenses and other minor incidents. These resolutions are appropriate for incidents not involving injury or property damage for youth without prior enforcement contacts with police. The overarching goal of police response is ensuring the child's safety and reducing the potential for future delinquent actions. The options available in these situations include:
    - a) Release without further action.
    - b) Release following informal counseling.
    - c) Referral to community resources.
    - d) Release following referral to their parents.
  2. Examples minor incidents include, but are not limited to:
    - a) Juvenile Petty Offenses
    - b) Loitering
    - c) Disorderly conduct
  3. When dealing with juveniles involved in minor incidents, officers may elect to:
    - a) Transport the youth home.

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- b) Make personal telephone or mail contact with the youth's parents or guardians to provide them with information and counseling on their child's actions.
    - c) Refer the youth to appropriate community service agencies with or without follow-up.
  - 4. Officers should detain the following youth at the station house until released to parent or guardian:
    - a) Juvenile Alcohol or Controlled Substance Offenders
    - b) The nature of the incident is of a more serious or potentially serious nature than exemplified in item 2(a) of this directive.
    - c) The youth is acting in alliance or collusion with others to commit such acts.
    - d) The youth fails to cooperate or positively respond to police intervention and direction.
    - e) The youth has received prior informal warnings or referrals or has engaged in delinquent acts.
    - f) The youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.
- C. Filing Delinquency Charges – Officers may file a petition for delinquency on a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in item 2(a) of this directive. Officers shall file delinquency charges against juveniles in the following instances:
  - 1. The juvenile commits an act that would be felony if committed by an adult.
  - 2. Delinquent acts involving deadly weapons.
  - 3. Serious gang-related offenses.
  - 4. Delinquent acts involving assault.
  - 5. Delinquent acts while on probation or parole or when they have charges pending against them.

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6. Delinquent acts committed by a repeat offender or someone who has refused to participate in diversion or intervention programs.
  7. Determination that parental or other adult supervision is ineffective.
- D. Lost, Seriously Endangered or Runaway Youth – An officer may also take into custody a juvenile who is lost, seriously endangered or is a runaway. In such cases, these juveniles shall be held in non-secure custody and officers shall contact the child’s parents or guardian as soon as possible. If parents or guardians cannot be contacted, or if they refuse to accept custody, the officer shall contact a department-approved youth service agency for placement.
- E. Alleged Child Abuse – In cases of alleged child abuse, officers shall contact a youth officer or their immediate supervisor to investigate the complaint unless probable cause justifies immediate action to protect the safety and well-being of the child.
- F. Juvenile Petty Offenses
1. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile, and other relevant factors, an officer may release a juvenile to his/her parents, guardian or other responsible adult.
  2. Juveniles taken into custody for petty offenses should be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the officer’s judgment, the juvenile poses an escape risk or to prevent harm to the juvenile, the officer or others.
  3. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
  4. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by tribal or state law. Juveniles shall be held in custody for only the time necessary to conduct identification, investigation, and related processing requirements, and to facilitate their safe release to a parent or responsible adult, or transfer to a juvenile facility.

## *Directives of the Leech Lake Tribal Police Department*

5. Transportation of a juvenile in a cage-equipped vehicle is not considered secure custody.

### G. Rules of Custody

1. Status offenders, Juvenile Petty Offenders, Juvenile Alcohol Offenders, or Juvenile Controlled Substance Offenders taken into temporary non-secure custody:
  - a) Shall not be fingerprinted or photographed for purposes of record.
  - b) Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be:
    - c) Under constant visual supervision.
    - d) Afforded reasonable access to toilets and washing facilities.
    - e) Provided food if in need of nourishment to include any special diet required by health or medical purposes.
    - f) Provided with reasonable access to water or other beverages.
    - g) Allowed reasonable access to a telephone.
2. Criminal Offenses
  - a) The guidelines in this section apply to juveniles in custody for offenses that are crimes when committed by adults.
  - b) Juveniles arrested for criminal offenses are subject to the same detention requirements as adults and may be handcuffed or otherwise restrained as provided in Directive 102 during transport and processing.
  - c) Juveniles accused of criminal offenses may be secured only for the time and in a manner prescribed by tribal or state law. Juveniles shall be held in custody for only the time necessary to conduct identification, investigation, and related processing requirements, and to facilitate their safe release to a parent or responsible adult, or transfer to a juvenile facility.

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- d) Fingerprints and photographs may be taken of all juveniles taken into custody for criminal type offenses. The fingerprint card and booking photo shall be marked "juvenile" and shall be maintained in this agency's central repository for such purposes. Juvenile booking records shall be stored separately from adult fingerprints and booking photos with dissemination restricted as required by law.
- e) Juveniles placed in secure detention, whether in cells, locked rooms, or other locations shall be sight and sound separated from any incarcerated adults, and shall:
  - (1) Be informed of the approximate period of time that the incarceration will last.
  - (2) Be provided with constant auditory access to officers responsible for supervision.
  - (3) Be personally observed by supervisory personnel on both a routine and unscheduled basis no less than every 30 minutes.

### G. Questioning Juveniles

1. Prior to custodial interviews or questioning, a School Resource Officer shall be summoned, if available.
2. If plausible, a juvenile in custody shall not be questioned without the presence of his parents or a responsible adult.
3. The juvenile and the adult, if available, shall be advised of their constitutional rights prior to interrogation. If, prior to questioning, the juvenile, his/her parents or responsible adult, express a desire to speak with an attorney, all questioning shall cease and shall not be renewed until permission is granted by their attorney.
4. In the absence of a parent or guardian, a juvenile may be questioned and may provide statements, if reasonable assurances can be made that the juvenile fully understands his/her constitutional rights.
5. Interrogation of juveniles shall not extend over periods of time that could be considered unreasonable or harassing.

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6. Informing Juvenile of Procedures – The juvenile should be informed of the procedures that will be followed with regard to custody, release and transport to another facility or to a custody hearing.
- H. Record Keeping
1. Officers who select non-custodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate field interview and/or incident reports as required by the Department. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the officer's disposition.
  2. Juveniles taken into custody for criminal offenses shall be subject to the same reporting requirements as adults. Such reports shall be clearly marked "Juvenile", maintained in a separate location from adult arrest records and be subject to tribal and state law regarding dissemination and access.
  3. A custody record will be maintained with each juvenile arrest report that specifies the following:
    - a) The time the juvenile entered the secure detention and the duration of each period of secure detention.
    - b) If the juvenile is placed in a locked room or cell, the name of the police or custodial officer responsible for visual supervision and the schedule of visual supervision.
    - c) Statement of the need for secure detention.
    - d) The time period of interrogation was commenced and completed, the officers present and the names of parents or responsible adults on hand.



<b>DIRECTIVE 402</b>	<b>Curfew Enforcement</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide officers guidance for the enforcement of Leech Lake’s curfew ordinances together with those of surrounding jurisdictions.

**II. POLICY**

It is the directive of the Leech Lake Tribal Police Department (LLTPD) that officers will enforce curfew laws in a consistent, fair and uniform manner to ensure their effectiveness and will document enforcement actions to allow proper evaluation. To these and related ends, law enforcement officers shall follow the procedures outlined below when enforcing curfew violations.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department assigned to respond to, investigate, or assist with curfew enforcement activities while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Confronting Potential Violators – Upon observation of a juvenile who is in possible violation of the curfew ordinance, an officer shall take the following steps:
  1. Request the juvenile’s identification or to provide their name, age, date of birth and address. If necessary, provide the dispatcher with the location of the potential violation, the number of persons involved and their identity or physical description.
  2. Should the individual be in violation of the curfew ordinance, the officer should ascertain why the juvenile is out, where they have been and where they are going,
  3. Inform the juvenile they are in violation of the curfew ordinance.
  4. Determine from Communications whether the juvenile has outstanding warrants and, if possible, whether they have been previously cited for curfew violations.

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5. If the juvenile has two or more prior curfew violations, particular consideration shall be given to arrest as an alternative within the guidelines of directive.
  6. In all cases where a curfew violation has been identified, the officer shall complete the appropriate departmental record of the violation.
- B. Enforcement Options – When a curfew violation has been identified, an officer may use reasonable discretion in determining the appropriate course of action. These options include instructing the juvenile to proceed directly home, transporting the juvenile home, or detaining the juvenile until his/her parents or guardian can pick them up.
- C. Directing a violator to proceed directly home is normally warranted for:
1. A first offense.
  2. The circumstances of the violation suggest the juvenile has made a reasonable attempt to conform to the ordinance.
  3. The officer feels that the individual will proceed home as directed.
- D. If directed to proceed directly home, the officer shall present a copy of the violation to the juvenile and provide informal counseling on the purpose and intent of the curfew ordinance and the potential police response for future violations.
- E. Transporting the juvenile home is normally warranted when:
1. The juvenile has had a previous curfew violation.
  2. There are indications that the juvenile has purposely ignored the law.
  3. The officer believes the juvenile will not proceed home.
  4. The officer desires direct contact with the juvenile's parents or guardian.
  5. The of the parent'(s) location is unknown, or their ability to provide supervision or control of their juvenile is in doubt. In this case, detention and referral to juvenile authorities may be a reasonable and prudent option.

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- F. When the juvenile is transported home, the parent or responsible adult shall be contacted and informed of the specific circumstances of the violation as well as the nature and purpose of the ordinance and the potential consequences of future violations. A copy of the violation should be served to the parent or guardian, who should sign the original. Unwillingness of the parent or guardian to sign the violation shall be noted on the violation or warning notice.
- G. Detention of a curfew ordinance violator shall normally be made when the juvenile has two or more prior curfew violations or when:
  - 1. The officer has knowledge of the juvenile's past delinquent or criminal history that demonstrates a pattern of disregard for the law.
  - 2. The circumstances of the offense, such as the time and location of the violation provides reasonable suspicion of the intent to commit additional delinquent or criminal acts.
  - 3. Officers may use their discretion concerning detention for any curfew violation. In all cases, officers shall clearly specify the basis for their detention decision.
  - 4. When a juvenile is taken into custody for a curfew violation, the juvenile shall be transported to the appropriate holding area. The juvenile's parents or guardian shall be contacted as soon as possible for notification purposes or to pick up the juvenile. Such detention shall conform to LLTPD Directives 201 and 203. The parent or responsible adult shall be provided the same information and notice of violation as provided in section 6) of this directive.
  - 5. If the juvenile's parents or guardian cannot be contacted within the prescribed period of time allowed for such detention, the juvenile shall be transported to the appropriate juvenile care facility. The officer's report on the incident shall indicate the juvenile authority's final disposition of the case.
- H. Reporting and Follow-up Requirements – To adequately evaluate the effectiveness of the curfew ordinance and its impact on crime in the community and to provide information for the tracking of curfew violators, it is essential that the following reporting and follow-up activities be performed:

## *Directives of the Leech Lake Tribal Police Department*

1. All officers shall submit a report of a curfew violation if a citation has been issued or a juvenile has been taken into custody. The report shall detail:
  - a) The name and place of residence of the violator.
  - b) The time, place and circumstances of the violation.
  - c) Actions taken by the officer with respect to the violator.
  - d) Any citations or warnings issued to the juvenile, parents or guardians.
  - e) The final disposition of the incident and any other pertinent information.
2. Shift supervisors shall review all curfew reports to ensure completion and shall use this information to identify curfew problem areas or individuals on their watch.
- I. The officer shall ensure that a notice of violation is forwarded via first class mail to any parent or guardian who was not personally served with such notice by the arresting or reporting officer. In addition, the Department shall:
  1. Use these reports as appropriate to identify current or potential juvenile problem areas such as common locations and/or establishments where violations are frequently taking place.
  2. Upon identification of juvenile problem areas, take action necessary to fully inform proprietors or others of their responsibility to discourage and report such violations.
  3. The central records unit shall be responsible for the proper filing of curfew violation reports and shall, at the direction of the Chief of Police or his/her designee, develop such statistical reports on enforcement actions or other matters as may be required.

<b>DIRECTIVE 403</b>	<b>Investigating Child Abuse</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

Child Abuse and neglect has been traditionally regarded as the principle responsibility of child protective services and social welfare agencies. However, research has demonstrated that a large percentage of repeat offenses, many of which involve serious injury or death, involve offenders known to law enforcement. The purpose of this directive is to provide law enforcement officers with guidelines for recognizing instances and accepting reports of child abuse and neglect and coordinating the investigation of such cases with appropriate child protective service agencies and prosecuting attorney's offices.

**II. POLICY**

It is the position and directive of the Leech Lake Tribal Police Department (LLTPD) that effective response to child maltreatment requires the cooperation between law enforcement agencies and social service agencies. Furthermore, that under certain circumstances, arrest and criminal prosecution is an appropriate and preferred approach to the problem from a preventative standpoint. Therefore, all reports of child abuse and neglect shall be thoroughly investigated in accordance with this directive and appropriate measures taken consistent with state law that best protects the interests of the child.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCES**

Minnesota Statute § 260C.175	Taking Child Into Custody
Minnesota Statute § 260C.176	Release or Detention
Minnesota Statute § 626.556	Reporting of Maltreatment of Minors

**V. PROCEDURE**

**A. Reporting/Initial Complaint Response**

1. State law requires that instances or suspected instances of child abuse or neglect be reported by public and private officials such as, physicians, dentists, school employees, clergymen and others.

## *Directives of the Leech Lake Tribal Police Department*

2. Officers shall record and respond to all reports of child abuse, neglect and abandonment, irrespective of the source or method of reporting.
3. A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report including such factors as:
  - a) The physical condition of the child.
  - b) A description of the abusive or neglectful behavior.
  - c) Evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child.
  - d) Description of suspicious injuries or conditions.
  - e) The nature of any statements made by the child concerning parental maltreatment.
  - f) Any evidence of parental indifference or inattention to the child's physical or emotional needs.
- B. When the source of the report cannot be identified and/or time is not of the essence, a report of the complaint shall be made to the local welfare agency as prescribed by law. Where reasonable suspicion exists for further investigation, a coordinated investigative effort shall be undertaken with the appropriate child protection authority.
- C. Immediate action shall be taken by officers in the following situations:
  1. The complaint warrants arrest and/or criminal prosecution.
  2. Child protective personnel are not available and time is of the essence.
  3. The child is in danger and child protective personnel cannot enter the home.
  4. The suspected perpetrator may flee.
  5. Police presence is required to maintain order or protect the safety of child protection officers.

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6. When the child must be taken into protective custody against parental wishes.
- D. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse, or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer shall:
1. In compliance with state law, remove the child from the home for purposes of protective custody.
  2. The assistance of child welfare authority workers shall be sought if available, in a timely manner.
  3. Parental permission shall also be sought but is not required to remove the child under emergency circumstances.
  4. In case where protective custody is warranted and time permits, the Tribal or state protection agency shall be notified and a court order for protective custody shall be sought prior to the child's removal.
- E. Background Investigation – Investigating complaints of child abuse required contact with several sources of information depending upon the nature of the complaint and the scope of the abuse. In all but emergency situations the following sources of information should normally be contacted prior to interviewing the family and/or the child.
1. Court Records – An inquiry should be made to determine whether a court protective order is in force regarding the child or other members of the family. A criminal records check should also be performed on the suspect.
  2. Medical Personnel, including family practitioners, emergency room staff and medical examiners often acquire information that confirms or suggests abuse. Certain types of injuries are particularly characteristic of physical abuse and are most incriminating when they are inconsistent with parental explanations of how they occurred. They include:
    - a) “Pattern” injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers, fingertip marks caused by

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tight gripping; straight, curved or curvilinear or jagged lesions indicating whipping; bite marks; scald or peculiar burn marks.

- b) Injuries to specific body parts such as the genitals, buttocks or rectum as well as trauma to the torso, upper arms and thighs in the absence of other common injuries commonly suffered by children in play accidents such as skinned knees, elbows and forehead.
- c) Signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood.
- d) Bone fractures of small children and related injuries that are inconsistent with the child's level of maturity and risk of injury, such as spiral fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash) and fractures of long bones and joints that are suggestive of violent pulling or jerking of the extremities.
- e) A history, pattern or extent of injury that does not correlate with the alleged cause of death or means of injury.
- f) Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians and prior diagnosis of "failure to thrive".
- g) At autopsy, the presence of old injuries or other internal injuries that were not detectable through external examination.
- h) Social welfare workers – Social welfare workers may also provide considerable insight into situations of suspected child abuse as many abusive families have had prior contact with local agencies. Social welfare workers may provide information on family background, employment, economic stability and previous contacts with child protective service agencies.
- i) School teachers – School teachers may also provide some insight into cases of suspected child abuse through records of the child's attendance, grades, demeanor, socialization, motivation and



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perceived emotional stability. Several behavioral indicators are suggestive of child abuse, including:

- (1) Recurrent injuries or complaints of parental physical mistreatment.
  - (2) Marked changes in the child's behavior or level of achievement.
  - (3) Strong antagonism toward authority.
  - (4) Exaggerated reactions to being touched.
  - (5) Withdrawal from peers, assaultive or confrontational behavior.
  - (6) Delinquent acts, running away from home or truancy.
  - (7) Refusal to dress for physical education or dressing inappropriately.
  - (8) The foregoing indicators may also be used when interviewing neighbors or any other individuals who may have personal knowledge of the family situation.
3. Family Interview – Based on information generated in the background investigation, reasonable suspicion may exist to conduct an interview with the family and the child.
- a) If there is reason to believe that charges may be filed against the parents or others, interviews shall be conducted at the law enforcement agency (when applicable) and when appropriate notification shall be made to the prosecutor's office.
  - b) A child protection worker may participate in the interview with the investigator.
  - c) The interview shall be conducted in a non-accusatory, informal fact-finding manner. Questions should be presented in an open-ended format to allow parents or others complete latitude in responding.
  - d) When determining whether to accept a parent's explanation, officers shall consider the following questions (findings consistent

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with those in parentheses may indicate a greater likelihood of abuse):

- (1) Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity and ability to walk or stand? (No.)
  - (2) Was the parent's story consistent with other evidence? (No)
  - (3) Do parents claim ignorance of critical details of the incident? (Yes)
  - (4) Does the home appear to be clean and well-maintained? (No)
  - (5) Does the family live in a socially-isolated environment without the support of neighbors, friends or family? (Yes)
  - (6) Do the parents appear to support one another in a positive home environment? (No)
  - (7) Does there appear to be frequent and ongoing crisis in the family? (Yes)
  - (8) Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)
- e) Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. However, to be reasonable and acceptable, discipline shall be:
- (1) Appropriate to the misbehavior involved, and not causing injury.
  - (2) Consistent with the child's ability to understand its relevance to acts in question.
  - (3) Administered with prudence and caution rather than with recklessness, brutality or lacking sufficient regard for the child's power of endurance.

- F. Interviewing Children – Officers conducting interviews with children in suspected child abuse cases shall follow this agency's directive on interviewing children to include, but not limited to, a forensic interview based on the totality of the circumstances and the age(s) of the children

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involved. In addition, officers shall be familiar with the following special issues that arise when conducting interviews in cases of suspected child abuse:

1. Children shall be interviewed separately from their parents.
  2. Repeated interviews with the child shall be avoided whenever possible. Joint interviews with the child protective worker or prosecutor, for example, may help minimize the trauma of these sessions.
  3. Avoid questions that can be answered with a ‘yes” or “no” response. Use open-ended questions whenever possible.
  4. Anatomically correct dolls may be used whenever available by trained investigators.
  5. Sit with the child rather than across the table. Conduct the interview in a casual and non-threatening manner.
  6. Do not lead the child, suggest answers, probe or pressure the child for answers, or express concern, shock or disbelief in response to the answers.
  7. Reassure the child that he/she is not to blame and is not in trouble for what happened or for being asked questions.
- G. Physical Evidence – Collecting physical evidence to document abuse is very important for prosecuting these cases. In this regard, officers shall be aware of the following:
1. Color photographs of injuries shall be taken and preserved for evidentiary purposes. Photographs may be taken by medical personnel or by a same-gender officer of this agency. All injuries shall be described in writing and diagramed.
  2. X-rays shall be taken if appropriate and shall be collected and preserved.
  3. Home conditions bearing on the child’s maltreatment shall be photographed.

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4. Any instruments used in the physical attack shall be identified and preserved as shall any clothing bearing evidence such as blood or semen stains.
5. Any other items with bearing on the abuse or neglect, such as firearms, knives, drugs, poisons or other related items in possession of the suspected perpetrator shall be identified and collected.

### **VI. TRAINING**

The LLTPD will ensure that its officers and investigators receive the training necessary to effectively address child abuse and neglect occurring within the LLBO and to meet the requirements of this directive.

### **VII. REPORTING**

- A. Minnesota law places special reporting requirements on law enforcement agencies, schools, medical staff and other professionals who frequently work with children. The Chief of Police is responsible to make these reports unless he/she has designated another officer or agency member to do so. The Chief may designate one staff member to be the point of contact (POC) to make and receive child abuse and child welfare reports. If the Chief makes such a designation, then that person shall be responsible to make all notifications to other agencies as required by law.
- B. At a minimum, reports of child abuse or alleged abuse received by LLTPD shall be forwarded to the local welfare agency responsible for child protection investigations.



**LEECH LAKE TRIBAL POLICE DEPARTMENT**  
NOTICE: 72 Hour Police Health and Welfare Hold

DATE: \_\_\_\_\_

Time taken into custody: \_\_\_\_\_

I, \_\_\_\_\_, a duly authorized officer in the State of Minnesota, by reason of the authority vested in me by Minnesota Statutes #260.165, subd. 1 (c) (2), have taken into custody the following child/children.

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Name: \_\_\_\_\_ Age: \_\_\_\_\_

And have placed the child/children at: \_\_\_\_\_ (Emergency Foster Home)

Parents/Custodian: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Having taken custody this child/children, I am now requesting that Cass County Social Services/Leech Lake Social Services assume on my behalf until such time as further action can be taken to safeguard the health or welfare of this child/children.

The child/children shall not be released to the custody of his/her parent, guardian, custodian or other suitable person unless:

- 1. The peace officer or his designate withdraws the health and welfare hold; or
- 2. The Juvenile Court orders release; or
- 3. 72 hours (excluding Saturdays, Sundays, or Holidays) has expired without and court action being taken.

\_\_\_\_\_  
Peace Officer Signature and Badge #

\_\_\_\_\_  
Department Phone #

NOTE: This form does not take the place of Police Report.

- Original - Court
- Copy - County Attorney
- Copy - Social Services
- Copy - File

<b>DIRECTIVE 404</b>	<b>Reporting Maltreatment of Minors</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to make clear the statutory requirements of department personnel to report suspected maltreatment of minors or vulnerable adults or suspected incidents of prenatal exposure to controlled substances. This directive reflects that mandatory reporting requirements are not discretionary in nature.

**II. POLICY**

- A. It is the directive of the Leech Lake Tribal Police Department to fully comply with:
  - 1. Minnesota Statute § 626.556 Reporting Maltreatment of Minors;
  - 2. Minnesota Statute § 626.5561 Reporting of Prenatal Exposure to Controlled Substances;
  - 3. Minnesota Statute § 626.557 Reporting Maltreatment of Vulnerable Adults; and
  - 4. Minnesota Statute § 609.234 Failure to Report.
- B. Department personnel are required by statute to immediately report when they receive information on maltreatment of minors or vulnerable adults or incidents of prenatal exposure to controlled substances. This directive will provide a general guideline for reporting.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department with arrest powers while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Department personnel who receive information, including third party complaints, concerning maltreatment of minors or vulnerable adults or incidents of prenatal exposure to controlled substances shall complete a

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report detailing the complaint and turn it in to the department by the end of their duty shift during which the information was received.

- B. Complaints of maltreatment or prenatal exposure shall be investigated immediately to:
  - 1. Protect the health and welfare of the involved minor, vulnerable adult or unborn child; and
  - 2. Evaluate the need for immediate protective services; and
  - 3. Obtain evidence.
- C. Complaints in which an officer develops probable cause for arrest, citation, or complaint, will be handled in the manner prescribed by statute and department directive.
- D. The Chief of Police will serve as the notification officer as required by statute, unless he/she designates another member to serve in that capacity. The Chief or notification officer shall insure through coordination with support staff that all reports involving maltreatment of minors or vulnerable adults or incidents of prenatal exposure to controlled substances are forwarded to the appropriate local welfare agencies immediately.

<b>DIRECTIVE 405</b>	<b>Criminal Conduct on School Buses</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to establish procedures for responding to calls of criminal conduct on school buses. Minnesota law vests the responsibility for responding to criminal activity on school buses with a law enforcement agency. This directive is not intended to interfere with or replace school disciplinary directives which relate to student misconduct on school buses.

**II. POLICY**

In the effort to provide for the safe passage of students, drivers and chaperones in transit to school and school activities, the Leech Lake Tribal Police Department (LLTPD) recognizes the need for cooperation among the schools, parents, students, transportation personnel and the police. It is the directive of the LLTPD to respond to all reports of alleged criminal conduct occurring on school buses. It is further the directive of the LLTPD to work cooperatively with school officials, transportation personnel, parents and students in response to such incidents to protect public safety and to deal appropriately with those who violate the law.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department who respond to, investigate or otherwise assist in cases of criminal conduct on school buses while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCE**

Minnesota Statute § 169.4581	Law Enforcement for Criminal Conduct on School Buses
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**V. PROCEDURE**

- A. Officers shall respond promptly to reports of criminal conduct or disturbance on school buses, and shall handle this type of complaint as they would any other report or call for assistance.
- B. Officers shall use discretion when handling incidents on school buses, taking all circumstances into consideration and acting accordingly within law and directive.



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- C. Complaints will be thoroughly investigated and, when warranted, be referred to the appropriate agency for follow-up investigation or prosecution.
- D. In those instances where students are questioned by police officers, standard information is required: full name and address, date of birth, parent's names and address, phone number(s), school attended and grade.
- E. Officers shall issue citations or apprehend and transport persons committing crimes on school buses to the extent authorized by law and LLTPD directive.
- F. Officers shall submit reports regarding the incident to the prosecuting attorney when applicable and shall follow through with any other investigation necessary to prepare a case pertaining to alleged criminal conduct on school buses as required by the prosecuting attorney.
- G. Officers shall provide information to the school regarding the incident as required or authorized by law.
- H. School districts and transportation providers have disciplinary directives to regulate behavior of students while on school buses, which are not enforceable as criminal violations.

<b>DIRECTIVE 501</b>	<b>Post Deadly Force or Shooting Incidents</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide guidelines to be applied whenever a police officer has been involved in a highly traumatic or critical incident, or, following any officer involved shooting incident that has resulted in death or great bodily harm, in order to minimize the chances that involved officers will develop or suffer from post-traumatic stress disorder.

**II. POLICY**

Law enforcement can expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that officer-involved shootings resulting in death or serious bodily injury to a citizen or fellow officer may precipitate stress disorders. It is the responsibility of the Leech Lake Tribal Police Department (LLTPD) to provide personnel with information on stress disorders and to guide and assist their deterrence. Therefore, it is the directive of the LLTPD to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. DEFINITION**

*Public Safety Statement:* A public safety statement is a statement provided by involved officers that briefly describes the facts and circumstances so that responding personnel can assess the security of the scene, possible injured parties, possible witnesses, persons who are not currently in custody, and understand the nature of the crime scene.

**V. PROCEDURE**

- A. On-Scene Response

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1. Care of officers at scene of officer-involved deadly force incident
  - a) A supervisor shall be dispatched immediately to the scene of the incident and shall assume primary responsibility in caring for involved personnel.
  - b) The supervisor shall make appropriate arrangements for all necessary medical treatment required if not already requested or in-progress.
  - c) The supervisor shall ensure that the Chief of Police and other command staff are notified of the incident as soon as practicable.
  - d) During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer shall be taken to a quiet area away from the immediate location of the incident. A peer counselor or other supportive friend or officer should remain with the officer(s), but shall not to discuss details of the incident.
  - e) The supervisor should arrange for the officer(s) directly involved in the incident, to leave the scene as soon as possible and taken to a quiet, secure setting.
  - f) If possible, the supervisor shall briefly meet with involved officer(s).
  - g) No caffeine or other stimulants or depressants shall be given to the officers unless administered by medical personnel.
  - h) The involved officers will be asked to provide a public safety statement regarding the incident. The officers shall be advised that a more detailed debriefing will be conducted at a later time.
  - i) Any investigative procedures that will occur concerning the incident shall be discussed with the officers.
  - j) The officers shall be advised they may seek legal counsel.
  - k) The officers shall be advised not to discuss the incident with anyone except a personal or agency attorney, union representative or departmental investigator until the conclusion of the preliminary investigation.

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- l) Involved officer(s) should notify their families about the incident as soon as possible. If an officer is unable to do so, a LLTPD official shall notify the family and arrange for their transportation to the officer's location.
      - m) At all times, when at the scene of the incident, the supervisor shall handle all involved personnel in a manner that acknowledges the stress caused by the incident.
  - 2. The supervisor shall determine whether the circumstances of the incident require the officer's duty weapon be taken for laboratory analysis or evidentiary purposes. If the duty weapon is taken, the supervisor shall:
    - a) Take custody of the officer's weapon in a discrete manner.
    - b) Replace it with another weapon or advise the officer that it will be returned or replaced at a later time, as appropriate.
    - c) The supervisor shall consider exchanging his/her duty weapon for the involved officer's weapon until the supervisor can arrange for a replacement weapon.
- B.
- C.
- D. Post-Incident Procedures
  - 1. Involved personnel shall be removed from line duties pending evaluation but remain available for necessary administrative investigations.
  - 2. All officers directly involved in the deadly force incident shall be required to contact the LLTPD-designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel shall also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the LLTPD:
    - a) Whether it would be in the officer's best interest to be placed on administrative leave or light duty and for what duration.

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- b) If the officer is relieved of their duty weapon after the incident and for how long.
  - c) What will be the best continued course of counseling.
  - d) The LLTPD strongly encourages the families of the involved officers to take advantage of available counseling services.
  - e) Any LLTPD investigation of the incident shall be conducted as soon, and as quickly as practical.
  - f) The agency may brief other agency members concerning the incident so that rumors are kept to a minimum. LLTPD members are encouraged to show involved officers concern and support.
  - g) All personnel involved in a deadly force incident shall be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
  - h) In order to protect themselves against harassing or abusive calls, officers may choose to screen their calls or have phone calls answered by a different person for several days if their names are released to the public.
  - i) Officers directly involved in the shooting incident shall be required to re-qualify with their duty firearm as soon as practical.
3. Officers exposed to extremely traumatic incidents, such as those where the officer is assaulted or injured, mass-casualty incidents or child fatalities, may experience stress reactions similar to officers involved in deadly force encounters. Therefore, supervisors shall monitor officers who have responded to traumatic incidents and may implement the portions of this directive they deem beneficial to the officer(s).
4. Delayed stress recognition
- a) As post-traumatic stress disorders may not arise immediately or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.

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- b) A supervisor may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's mental health or job performance.

### **V. TRAINING**

- A. The LLTPD shall provide employees with training pertaining to post-traumatic stress disorders and the uniform procedures contained in this directive on a regular basis.
- B. Supervisors are responsible for making available to their unit members information about the agency's peer counseling group and mental health services.

<b>DIRECTIVE 502</b>	<b>Line of Duty Death</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This directive is designed to prepare the Leech Lake Tribal Police Department (LLTPD) for the event of an active duty officer's death in the line of duty and to direct the LLTPD in providing proper support for the deceased officer's family.

**II. POLICY**

It is the directive of the Leech Lake Tribal Police Department to provide liaison assistance to the immediate survivors of an active duty officer who dies in the line of duty and to provide tangible and emotional support during this traumatic period and readjustment for the surviving family.

**III. SCOPE**

This directive applies to all sworn law enforcement officers, conservation officers, and other members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

A. Death Notification: The following procedures shall be adhered to in cases of line of duty deaths and in cases of critically-injured officers. These procedures shall be followed whenever possible with the understanding that the wishes of the family take precedence over the desires of the LLTPD. Officers providing services and assistance to family members and survivors shall take all possible measures to accommodate their needs, wishes and desires, but should not make promises to family members that they are not sure can be met.

1. The name of the deceased shall not be released to the media or other parties before immediate survivors living in the area are notified.
2. Given the speed with which information travels through electronic media, departmental notification of family shall be completed without delay.
3. The Chief of Police or immediate supervisor shall designate an officer to inform the immediate family of the officer's condition or death. If

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the Chief or a supervisor is not immediately available, the senior ranking officer shall make the appointment.

- B. Notification of the immediate family shall be made as soon as possible and, if possible, coincidental with command notifications.
- C. Notifications of survivors in the immediate area shall be made in person and with another Department representative in attendance whenever appropriate and possible (e.g., police chaplain).
- D. Whenever the health of immediate survivors is a concern, emergency medical services personnel shall be requested to stand by.
- E. If the opportunity exists to get the family to the hospital prior to the officer's death, notification officers shall inform the hospital liaison officer that the family is on its way. In such cases, immediate transportation must be provided for survivors rather than waiting for other members of the departmental delegation to arrive. If the officer has died, notification shall be made to the survivors in as forthright and empathetic a manner as possible.
- F. Communicating information concerning the officer and the incident shall, whenever possible, be restricted to the telephone to avoid interception by the media or others. Should the media obtain the officer's name prematurely, the ranking officer shall request the media to withhold the information until proper notification of survivors can be made.
- G. The notification officer shall be responsible for identifying additional survivors living outside of the area and shall make notifications as desired by the immediate family. These notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that personal notification is made.
- H. The notification officer shall submit a written report to the Chief of Police specifying the identity, time and place of survivors who were notified, and by whom each notification was made.
- I. Assisting survivors at the hospital: Whenever possible, the LLTPD's chief law enforcement officer shall join the family at the hospital to emphasize the LLTPD's support. The next highest-ranking officer to arrive at the hospital shall serve as, or will designate, a Hospital Liaison Officer to coordinate the arrival of immediate survivors, departmental personnel,



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the media and others. The Hospital Liaison Officer will assume the following responsibilities:

1. Arrange waiting facilities for immediate survivors allowing privacy and close access to their officer. Family desires should be followed regarding their accessibility to other officers and friends.
2. Designate media staging area and provide preliminary information regarding information releases (who will provide, when they will occur, etc.).
3. Ensure that medical personnel provide pertinent medical information on the officer's condition to the family before providing it to other parties.
4. Assist family members, in accordance with their desires, in gaining access to the injured or deceased officer.
5. Provide hospital personnel with all necessary information on billing for medical services. The liaison officer should ensure that all medical bills are directed to the appropriate departmental authority and that they are not forwarded to the officer's family or other survivors.
6. Arrange transportation for the family's departure from the hospital.
7. Ensure immediate family members are provided with all possible and appropriate assistance while they are at the hospital.

### J. Appointment of Department coordination personnel

1. The Chief of Police shall consider contacting the Minnesota Law Enforcement Memorial Association (LEMA) for assistance with fallen officer incidents. LEMA can provide valuable assistance to the agency, family, and community with their response to fallen officers, family support and full-honors funerals.
2. The Chief of Police should assign several officers to coordinate different areas of responsibility following a line of duty death (LODD). The Chief may choose to assign an Incident Commander with overall authority for the immediate LODD aftermath and funeral rites. Once the Incident Commander is identified, he/she and the Chief may assign additional coordinators. Those most commonly assigned by departments responding to LODD include:

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- a) Department – Family Liaison
  - b) Funeral liaison
  - c) Public Information Officer (PIO)
  - d) Benefits coordinator
  - e) Family support advocate
- K. These assignments shall be made in writing to departmental personnel and the family shall be informed of those designated. In addition, the Chief of Police or his/her designee shall:
- 1. Make additional personnel assignments to assist in handling incoming phone calls and inquiries and to direct the public to appropriate personnel.
  - 2. Ensure that the employee assistance programs are implemented to assist surviving family members and emphasize the family's right to psychological services.
  - 3. Ensure that other officer(s) are provided the opportunity to participate in critical incident stress debriefings.
- L. Department-Family Liaison
- 1. The Department liaison officer shall serve as the facilitator between the family and the LLTPD. This individual will normally be a command-level officer to expedite tasks of employing departmental resources and the delegation of assignments.
  - 2. The Department Liaison Officer shall work closely with the Funeral Liaison Officer to ensure the family's needs and requests fulfilled. This includes, but is not limited to the following:
    - a) Provide oversight of travel and lodging arrangements for out of town family members.
    - b) Identify alternative churches, schools and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family who will make the final determination.

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- c)
  - d) Assist family members in dealing with media inquiries and informing them of limitations on what they can say to the media specifically.
  - e) Coordinate with the PIO to provide family statements, personal photos of the officer and family, and personal stories of the officer.
- 3. The Departmental-Family Liaison shall also ensure that all members of the LLTPD are aware of restrictions regarding release of any information that might undermine future legal proceedings.
  - 4. Ensure security checks of the survivor's residence are initiated immediately following the incident and for long as necessary thereafter.
- M. Funeral Liaison
- 1. The Funeral Liaison Officer acts as facilitator between the decedent officer's family, funeral director, clergy, and the Department during the wake and funeral. The funeral liaison officer's responsibilities include:
    - a) Meet with family members and explain the Funeral Liaison's responsibilities .
    - b) Remain available to the family prior to and throughout the wake and funeral.
    - c) Ensure the needs and wishes of the family come before those of the Department.
    - d) Assist the family in working with the funeral director regarding funeral arrangements.
    - e) Relay any information to the family concerning the circumstances of the decedent officer's death and appropriate information regarding any investigation(s).
    - f) Coordinate all official law enforcement notifications and arrangements to include the honor guard, pall bearers, traffic control and liaison with visiting law enforcement agencies.

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- g) Create a funeral plan incorporating law enforcement honors based on the family's desires. This plan shall consider:
  - (1) Location for service(s) to accommodate anticipated size of guests.
  - (2) Plan honors to be included in service and at cemetery.
  - (3) Plan procession route, traffic control, and parking.
  - (4) Coordinate involvement of all assisting elements during the service and the committal.
  - (5) Provide frequent updates on funeral planning to the Incident Commander, the Chief of Police, and the Leech Lake Tribal Police Department.
- 2. The Funeral Liaison should delegate duties to additional coordinators he/she designates.
  - a) Consider utilizing LEMA resources and personnel for assistance.
  - b) The LEMA Funeral Planner is a resource available from LEMA.
- N. Public Information Officer (PIO)
  - 1. The PIO is responsible for all media releases from the department concerning the LODD, any ongoing investigation, and funeral plans.
  - 2. The PIO coordinates with the Department-Family Liaison to ensure the family's wishes regarding media access to the funeral are satisfied.
  - 3. The PIO coordinates press conferences and provides statements from family and Tribal leaders. The PIO also arranges for on-camera interviews, if given, by the Chief of Police, Tribal leaders, and family members if they wish to participate.
- O. Benefits Coordinator - The officer assigned as Benefits Coordinator shall assist the surviving family to identify and apply for all benefits for which they are entitled or eligible. Access to specific information may be limited, but the officer shall assist in any way possible as a liaison to the family and Benefits Department of the LLBO.

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- P. Family Support Advocate - The officer assigned as Family Support Advocate shall assist the surviving family by informing them on all available social and human services available to them, both agency-specific and general services.

<b>DIRECTIVE 503</b>	<b>Officer-Involved Shooting &amp; Deaths Investigation</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to establish guidelines for the investigation of an incident in which a person is injured or killed as a result of an officer-involved shooting (Minn. R. 6700.2200(B)).

**II. POLICY**

It is the directive of the Leech Lake Tribal Police Department to ensure that officer involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

**III. SCOPE**

This directive applies to all sworn law enforcement officers, conservation officers, and other members of the Leech Lake Tribal Police Department.

**IV. PROCEDURE**

**A. Types of Investigations**

1. A criminal investigation of the involved officer(s) conducted by an outside agency.
2. A civil investigation to determine potential liability conducted by the involved officer's agency.
3. An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of Department directive.
4. A licensing investigation by POST to determine if grounds exist for disciplinary action against the officer's license to practice.

**B. Jurisdiction - Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:**

1. Leech Lake Tribal Police Department Officer Within This Jurisdiction -  
1. The Leech Lake Tribal Police Department is responsible for the

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criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by an uninvolved outside law enforcement agency asked to conduct the investigation.

2. Outside Agency's Peace Officer Within This Jurisdiction - The Leech Lake Tribal Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by this department or an uninvolved outside agency. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).
3. Leech Lake Tribal Police Department Officer In Another Jurisdiction -
3. The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Leech Lake Tribal Police Department will conduct timely civil and/or administrative investigations of its own personnel.
4. Post Administrative Investigations - The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minnesota Statute 214.10 Subd. 10).

### C. The Investigation Process

1. Duties of Initial Officer Arriving On Scene - Upon arrival at the scene of an officer-involved shooting, the first uninvolved officer will be the officer-in-charge and assume the duties of a supervisor until relieved by the responding supervisor, and should:
  - a) Secure the scene, identify and eliminate hazards for all those involved.
  - b) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

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- c) Coordinate a perimeter or pursuit of suspects as appropriate.
  - d) Request additional resources, units or agencies as appropriate.
  - e) Brief the supervisor upon arrival.
2. Duties of Initial On-Scene Supervisor - Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:
- a) Attempt to obtain a brief overview of the situation from any non-shooter officer(s). In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief public safety statement from one shooter officer.
  - b) If necessary, the supervisor may administratively order any officer from this department to immediately provide a public safety statement necessary to secure the scene and pursue suspects.
  - b) Public safety statements shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
  - c) Absent a voluntary statement from any officer(s), the initial on-scene supervisor should not attempt to order any officer to provide any information other than a public safety statement.
  - d) Take command of and secure the incident scene with additional personnel until relieved by an investigations supervisor or other assigned personnel.
  - e) As soon as practicable, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
    - (1) Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
    - (2) When an officer's weapon is taken or left at the scene (e.g., evidence), the officer may be provided with a comparable replacement weapon.



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- f) Upon learning of an officer-involved shooting, a supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or designee.
- D. Notifications - The following person(s) shall be notified as soon as practicable:
  - 1. Chief of Police
  - 2. Assistant Chief
  - 3. Lead Investigator
  - 4. Outside agency investigators
  - 5. Psychological/peer support personnel
  - 6. Medical Examiner (if necessary)
  - 7. Officer representative (if requested)
- E. Media Relations
  - 1. A single media release shall be prepared with input and concurrence from the supervisor and the agency representative responsible for each phase of the investigation. This release will be available to the supervisor, lead investigator and public information officer as designated by the Chief of Police.
  - 2. It is the directive of this department to release the identities of involved officers when the release does not hinder a law enforcement purpose, does not reveal the identity of an undercover law enforcement officer and as otherwise required by law (MN Statute 13.82). No involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or designee.
  - 3. Employees receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.
- F. Involved Officers

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1. Once the involved officers have arrived at the station, a supervisor should direct each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:
  - a) Any request for department or legal representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  - b) Involved officers will be allowed 24 hours prior to being required to provide either a written report or formal statement.
  - c) Discussions with licensed attorneys will be considered privileged as attorney-client communication.
  - d) Discussions with organization representatives (e.g., employee association) will be privileged only if otherwise protected by evidentiary privilege.
  - e) A psychologist or other psychotherapist shall be provided at the earliest convenience by the Department to each involved officer, or any other officer, upon request.
    - (1) Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.
    - (2) An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  - f) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.
2. Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as

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blood or fingerprints, until investigators or lab personnel can properly retrieve it.

3. Investigators shall make reasonable accommodations to the officer's physical and emotional needs.
4. Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of a supervisor to make schedule adjustments to accommodate such leave.

### G. The Shooting Incident Criminal Investigation

#### 1. Investigative Personnel

- a) Once notified of an officer-involved shooting, it shall be the responsibility of the lead investigator to assign appropriate personnel to handle the investigation of related crimes. Investigators may be assigned to work with those from an outside agency should this investigation be assumed by another agency, and may be assigned to separately handle the investigation of any related crimes that are not being investigated by the outside agency.
- b) All related reports, except reports deemed confidential and/or administrative, will be forwarded to the designated supervisor for approval. Confidential reports shall be maintained exclusively by personnel authorized such access. Administrative reports will be forwarded through the Chain of Command.

#### 2. Reports by Involved Officers

- a) In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.
- b) While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview the involved officers as victims/witnesses. Since the purpose of these reports will be to

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facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

- c) Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report and/or interview.
  - d) Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.
3. Witness Identification and Interviews - Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:
- a) Identify all persons present at the scene and in the immediate area.
    - (1) When feasible, a recorded statement should be obtained from persons who claim they did not witness the incident but were present at the time it occurred.
    - (2) Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
  - b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Department personnel. A verbal or recorded statement on a Body Worn Camera (BWC) or digital recorder of consent should be obtained prior to transporting a witness in any

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Department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

- c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.
4. Administrative Investigation - In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation, pursuant to Directive 1104 Allegations of Misconduct, to determine conformance with Department directive. This investigation will be conducted under the supervision of the Assistant Chief and will be considered a confidential investigative file.
- a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines the Alcohol and Drug Use Directive adopted under the authority of MN Statute 181.950 to MN Statute 181.957. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
  - b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer. If a further interview of the officer is deemed necessary to determine directive compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interview(s).
  - c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

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- (1) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - (2) If requested, the officer shall have the opportunity to select two uninvolved representatives, which may include legal representation, to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - (3) Administrative interview(s) should be video recorded by the investigator. The officer may also record the interview.
  - (4) The officer shall be provided 48 hours notice and informed of the nature of the investigation, their Peace Officer Bill of Rights, and assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
  - (5) The administrative interview shall be considered part of the officer's administrative investigation file.
  - (6) The lead investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable directives.
  - (7) Any other indications of potential directive violations shall be determined in accordance with standard disciplinary procedures.
5. Audio and Video Recordings
- a) Any officer involved in an incident may be permitted to review available BWC or other video or audio recordings prior to providing a recorded statement or completing reports.
  - b) Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available BWC or other video or audio recordings with

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approval of assigned investigators or a supervisor as long as the circumstances fall within the Minnesota Government Data Practice Act Chapter 13, any other governing laws, and the Leech Lake Police Department's Body Worn Cameras Directive 1004.

- c) Any BWC and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the County Attorney or City Attorney's Office as appropriate.

<b>DIRECTIVE 504</b>	<b>Hostages &amp; Barricaded Subject Incidents</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide general guidelines to officers responding to hostage/barricaded subject situations.

**II. POLICY**

When responding to hostage/barricaded subject situations, it shall be the directive of the Leech Lake Tribal Police Department to consider the lives and safety of the hostages, civilians and officers involved to be of the utmost importance whenever possible. Consideration for involved victims enhances the prospects of peacefully resolving the incident through communication with the suspect. Whenever possible, officers should strive to develop and prepare alternative approaches to resolve the incident should communications fail. In hostage situations, every reasonable attempt should be made to secure the safe release of hostages.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

A. First responding officers: Patrol officers, and/or other officers who are among those involved in the initial response to hostage/barricaded subject incidents, shall not initiate tactical actions other than those necessary to protect themselves and others from harm. Officers shall ensure their response to hostage/barricaded subject incidents is consistent with the Use of Force directive.

1. First responding officers shall:
  - a) Notify a supervisory officer of the incident and circumstances.
  - b) Contain and isolate the incident scene by establishing an inner containment perimeter to provide a reasonable degree of safety while maintaining contact with the incident scene. If time and resources permit, establish an outer containment perimeter to control pedestrian and vehicular traffic into the area.



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- c) When possible, evacuate occupants of affected residences and businesses to a point beyond the perimeter and provide directions for their safety.
  - d) It may be safer for people to “shelter in place” in the lower level of their homes or buildings.
2. Incident Commander (IC) procedures: The ranking officer at the scene shall be in overall command of the incident until specifically relieved by a superior. The IC shall:
- a) Delegate the tactical mission to the OIC of the Emergency Response Team.
  - b) Ensure development of a communications/negotiations process and an emergency response Team reaction.
  - c) Ensure establishment of inner and outer perimeters, a command post, tactical operations center, negotiations center and a staging area for officers and others arriving for assignment.
  - d) Assign a press center and a Public Information Officer (PIO) for press liaison.
  - e) Ensure the responsibility for traffic and crowd control is established and routes for emergency vehicles have been designated.
  - f) Make provisions for recording personnel assignments and developing a chronological record of events at the command post and tactical operations center.
  - g) Ensure necessary equipment from the fire department is available at the staging area as well as other units and equipment such as canine teams, aviation or marine units.
  - h) Ensure emergency medical services are available at the site.
- B. Emergency Response Team Commander Procedures
- 1. Assist the IC assess the situation. Formulate and provide the IC with recommended tactical alternatives if communication with the subject fails to resolve the incident.

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2. Determine equipment needs and assign personnel to control and contain the inner perimeter.
  3. Designate marksmen and entry teams as necessary.
  4. Ensure personnel assigned to the inner perimeter maintain firearm discipline and are provided with periodic relief by appropriate Emergency Response Team members.
  5. Prepare appropriate logistical plans including diagrams of the location.
  6. Ensure the establishment of a Tactical Operations Center, if necessary.
  7. Maintain contact with and keep the command post informed of all developments and operations.
- C. Hostage Communications Team procedures
1. Provide requested assistance to the IC.
  2. Provide trained primary and secondary negotiators; and, as available and necessary, a negotiations investigator.
  3. Obtain all pertinent information about the hostages, hostage-taker, hostage site and any other barricaded subjects.
  4. Designate a location to interview witnesses, released hostages and others.
  5. Debrief hostages following the incident.
- D. Psychological Services procedures
1. Monitor communications between the negotiators and subjects and provide negotiators with assessments of effectiveness, recommend strategies, and other relevant information.
  2. Assist in interviewing witnesses and debriefing hostages.
  3. Provide professional assistance to hostages, witnesses and others as may be necessary.

<b>DIRECTIVE 505</b>	<b>Death Notification</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide officers with guidelines for notifying next of kin of the death of a family member.

**II. POLICY**

Notification of next of kin of the death of a family member is a difficult task for even the most experienced officers. There is a natural hesitancy to deal with this subject, and the risk exists that inappropriate methods, comments or remarks may unnecessarily exacerbate the mental distress of survivors. Therefore, the Leech Lake Tribal Police Department (LLTPD) requires that all officers become familiar with the concepts and procedures set forth in this directive to provide surviving family members with sufficient useful information and support in a manner consistent with professionally accepted crisis intervention techniques.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Information Gathering and Preparation**

1. All death notifications that are the responsibility of the LLTPD shall be delivered in person, unless the urgency of the particular circumstance requires telephonic notification.
2. Officers should plan to take the time necessary to provide survivors the assistance authorized by this directive.
3. Prior to contacting the next of kin, notifying officers shall gather, and familiarize themselves with, essential details concerning the deceased including full name, age, race and home address, as well as details of the death, location of the body/personal effects and other pertinent information. The officer should be prepared to provide contact information of the person or agency the family should call for further information and to make arrangements for the remains.

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4. Officers shall identify the next of kin to the deceased for purposes of notification. Particular effort should be made to locate the closest relative, starting with the spouse and followed by adult children, parents, siblings, then minor children.
    - a) Only where substantial delays would occur in contacting the next of kin identified in (d) should other relatives be contacted.
    - b) Officers shall contact a supervisor for guidance when in doubt concerning the next of kin or to report any delays in notification.
  5. Where another agency must be contacted to notify the next of kin, officers shall:
    - a) Request that notification be made in person.
    - b) Request immediate verification when notification has been accomplished.
  6. Whenever possible, officers shall gather available information concerning the survivors that may aid in the notification. This includes, but is not limited to, whether survivors are elderly, disabled, visually or hearing impaired, have medical problems or may not speak English. If possible, obtain the names of the survivor's closest relative, friend, family doctor and clergy.
  7. Officers shall have a list of helpful referral agencies available to leave with the survivors.
  8. Officers shall, whenever possible, avoid using the name of the deceased over the radio prior to making notification of immediate surviving relatives.
  9. When possible, two officers (preferably a male and female team) shall be assigned to a death notification.
  10. Officers may request the assistance of the agency chaplain or local crisis intervention specialist when feasible.
  11. Personal effects of the deceased shall not be delivered to survivors during the death notification.
- B. Making Notification

## *Directives of the Leech Lake Tribal Police Department*

1. Upon arrival at the residence or place of business, officers shall accomplish the following:
  - a) Verify the accuracy of the location.
  - b) Request to speak to the next of kin or immediate survivor.
  - c) Identify themselves by name, rank and departmental affiliation.
  - d) Verify the relationship of the survivor to the deceased.
  - e) Ask permission to enter the residence or (in case of a business or other location) move to a place of privacy.
2. Every reasonable effort shall be made to make the death notification in the privacy of the survivor's home, or if in another location, away from public scrutiny.
3. Officers may bring immediately available family members together for notification.
4. Officers shall address the survivor(s) in a straightforward manner and use easy-to-understand language to briefly explain the circumstances of the incident and the fact that the individual is dead.
  - a) Officers shall not use euphemisms such as "passed on" or "no longer with us" in place of the term "dead," as these may create confusion or false hope.
  - b) Officers shall avoid providing graphic aspects of the incident and the use of police jargon.
  - c) Officers shall refer to the deceased using his/her first name or terms reflecting the deceased's relationship to the survivor (e.g., son, daughter, etc.).
5. Officers must be prepared for unexpected responses from survivor(s), to include hysteria and possible verbal or physical attack.
6. Officers shall provide survivor(s) with sufficient time to regain composure before proceeding. Officers should avoid attempts to provide comfort by using platitudes or trite phrases (e.g., "I know how you feel", or, "I know how hard this is for you").

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### C. Assistance and Referral

1. Officers shall not leave upon completion of the notification until reasonably assured the survivor(s) has/have adequate personal control and/or family or close friend(s) readily available to provide support. In gauging the need for assistance, officers shall also consider the following:
  - a) The emotional reaction and physical condition of the survivor.
  - b) The availability of other adults in the home.
  - c) Responsibility for infants or small children.
  - d) Home environment (e.g., evidence of excessive alcohol or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.).
  - e) Availability of support system (e.g., friends, family, close neighbors, access to clergy, means of transportation, etc.).
2. Officers shall provide any additional information requested by survivors within reason. While graphic details may not be necessary, officers must provide information if asked, specifically concerning the cause of death, condition of the body or other details of the death.
3. Officers shall remain alert to the possible need for medical assistance by the survivors. When officers are aware of serious medical conditions in advance of notification, they must place a local medical response unit on alert.
4. Officers shall be prepared for confusion on the part of the survivors; speak slowly and deliberately and write down any pertinent information that the survivor may need. This includes matters such as the following:
  - a) Disposition of the body.
  - b) Location of personal effects.
  - c) Identification requirements/procedures.
  - d) Notifying officers' names, agency and telephone numbers.

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- D. Officers shall assess the physical and emotional well-being of the survivor(s) before departing. Officers shall be reasonably assured the survivors can take care of themselves and those for whom they may be responsible. In addition to the concerns noted in section (d) above, officers should be able to answer “yes” to the following types of questions:
1. Is the survivor thinking clearly?
  2. Does the individual:
    - a) Seem aware of your presence?
    - b) Have some grasp of place and time?
    - c) Demonstrate a progressive ability to express himself/herself?
    - d) Demonstrate some grasp of the reality of the death?
    - e) Does the survivor have reasonable control over his/her emotions or does the individual display shock (no apparent emotion), furious hostility or the desire to commit suicide?
    - f) Can the survivor cope physically? For example, has the survivor fainted, displayed debilitating weakness or emotional collapse and does the survivor have an adequate support system that can be relied upon?
- E. Officers shall not leave a lone survivor unattended until all reasonable efforts have been made to garner support from the survivor’s family, friends, co-workers, neighbors, family clergy, crisis counselors or other community social service agency.
- F. Notifying officers should conduct follow-up within 24 hours with any survivor for whom there is ongoing concern.

Chapter 6: Searches, Seizures, Stops & Warrants

<b>DIRECTIVE 601</b>	<b>Terry Stops</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide authorization and guidance for officers to conduct pat down searches of outer clothing when conducting Terry Stops of persons when they have a legal basis for doing so.

**II. POLICY**

It is the directive of this agency that its officers may stop, detain briefly for a field interview, and conduct a pat down search of persons when they are able to articulate reasonable suspicion that the person committed a crime, is about to commit a crime, or is suspected of being armed. This applies to pedestrians and occupants of motor vehicles when in public.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department with arrest powers while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCE**

*Terry v. Ohio*, 392 U.S. 1 (1968)

**V. PROCEDURE**

- A. Contacts and interviewing: An officer may contact any person and interview them when the officer and the officer is in a public place. An officer must be able to articulate the reasons for their suspicion and demonstrate that the encounter was reasonable under the circumstances to justify the interview. An officer may not, however, arbitrarily hold any citizen they see on the streets. An officer must identify him/herself as an officer when requested to do so.
- B. Stops for Interrogation



## *Directives of the Leech Lake Tribal Police Department*

1. Stops made, generally: An officer may stop a person and interrogate the person if the officer reasonably suspects that person to be involved in criminal activity, including pedestrians and motorists. The subject must be in a public place and the officer must identify himself/herself as an officer when stopping persons for interrogation unless their identity is obvious.
2. Before an officer stops a person for field interrogation, they must be able to articulate specifically describable suspicious conduct or circumstances that justify the detention. Some of the facts that may establish a lawful stop and detention are:
  - a) The suspect makes evasive or furtive movements.
  - b) The suspect fits a “wanted” notice.
  - c) The suspect is near the scene of a recently committed crime.
  - d) The suspect’s demeanor or presence is unusual for the time or the place.
  - e) The officer has received information that the suspect is involved in criminal activity.
  - f) In evaluating a person’s conduct or appearance, an officer can rely on their training and experience to determine if the person is involved in criminal activity.
  - g) An officer can base their suspicion that a person is involved in a criminal activity upon information received from a citizen informant including an anonymous informant.
  - h) When the suspected crime is of a more serious nature, longer detention and interrogation of a suspect is justified.
3. Specific and Articulate Facts: An officer must be able to articulate the reason why a person was detained and interrogated. They do not need to point out any one specific thing that alone would justify the action but, may refer to several things, each of which when taken alone may seem innocuous, but when considered together by an officer who is trained and experienced in detecting criminal activity, raises a suspicion of criminal activity.

## *Directives of the Leech Lake Tribal Police Department*

### C. Pat-down

#### 1. When to Perform a Frisk (pat-down)

- a) Immediately, if they reasonably suspect the person is armed prior to questioning.
- b) During or after the process of questioning, if grounds to suspect that the person is armed did not exist at the time the encounter began, but later develops.

#### 2. Factors to Consider

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

#### 3. Specific and Articulate Facts – An officer must be able to articulate a reason why a person was stopped and frisked. An officer does not need to point to any one thing that would justify their action, but may refer to several things, each of which, when taken alone may seem innocuous, but when considered together by law enforcement officer who is trained and experienced in dealing with criminal suspects, raise a reasonable suspicion that the person is armed.

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### D. Scope of Pat-down

1. Pat Down - Officers shall feel the suspect's outer clothing and start at the place where a weapon would most likely be concealed. This location will differ based on the type of clothing worn and weather. The pat down should proceed to the next most likely places. The officer shall feel with their fingers every portion of the suspect's body where a weapon could be concealed, including the arms and armpits, waistline and back, groin area and the entire surface of the legs down to the feet.
2. Inner Clothing – Officers shall open a suspect's coat or other heavy garments and pat down the inner clothing when the garments worn are too bulky to detect a concealed weapon. An officer shall not open inner clothing to pat down underclothing unless there is probable cause to extend the search and the person is under arrest.
3. Weapons – An officer who has reasonable suspicion that a weapon is concealed in a particular place on a suspect, may reach directly into that area to seize it. An officer must be able to justify this action, based on facts that led them to suspect that a weapon would be found at that location.

### E. Results of Pat-downs

1. Weapons – When officers, during the course of a lawful pat-down, feel an object that they reasonably suspect is a weapon or dangerous instrument, they shall remove that object or item for closer examination.
2. Contraband Evidence – If the object or item removed reasonably appears to be or to contain contraband or evidence, officers shall arrest the person, conduct a complete search of their person and inventory the contraband or other evidence seized.

<b>DIRECTIVE 602</b>	<b>Motor Vehicle Stops</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

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

**II. POLICY**

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

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department authorized to make motor vehicle stops while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Stopping and Approaching Traffic Violators –The following procedures should be followed whenever possible; however, officers may modify these procedures to maximize safety under varying conditions such as weather, roadway construction, volume of traffic and the urgency of making a particular vehicle stop.
  - 1. Officers may only stop vehicles when they have reasonable suspicion to do so (Terry Stop criteria or observed violation).
  - 2. Once the decision has been made to stop a motorist, the officer shall select a location that provides reasonable safety by not initiating stops on curves or hills, in heavily trafficked or poorly lit areas and on roads without shoulders. Whenever possible, the officers should avoid the use of private drives, business locations and areas where the stop will impede traffic or spectators are likely to gather.
  - 3. When a location is selected, the officer shall notify the Communication Center of its nature, location, a description of the

## *Directives of the Leech Lake Tribal Police Department*

vehicle, vehicle tag number and the number of occupants. At the officer's discretion or dispatcher's request, additional information may be exchanged.

4. At the desired location, the officer should signal the operator to stop at the far right of the roadway or at the safest shoulder by activating the overhead emergency lights, with siren as necessary.
5. On multilane roads, the officer may drive towards the right shoulder gradually changing lanes behind the violator until the right side of the roadway is reached.
6. Should the violator stop abruptly in the wrong lane or location, the officer should instruct the motorist to move by using the appropriate hand signals or by activating the vehicle's public address system.
7. Once properly stopped, the officer should position the police vehicle about one-half to one car length behind the violator's vehicle at a slight angle, with the front approximately two feet to the traffic side of the violator's vehicle.
8. The spotlight should not be used to direct the violator for nighttime stops, but may be used to illuminate the vehicle's interior once stopped. Officers should use low beams if high beams would blind oncoming motorists.
9. When exiting the patrol vehicle, the officer should be particularly alert to suspicious movements of the vehicle operator or passengers.
10. When approaching the driver's side, the officer should observe the passenger compartment and stop at a point to the rear of the trailing edge of the left front door to talk to the driver.
11. Where traffic is close enough to create a potential problem, the officer may choose to approach the violator's vehicle from the right-hand side and stop at the trailing edge of the right front door.
12. When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the left door, being particularly observant of the occupant movements and choosing a path that will not allow the occupants to thrust the door open against the officer.

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13. For two-officer police units, the passenger officer shall be responsible for radio communications, note taking and relaying messages to the Communications Center and act as an observer and cover officer for the driver officer. The roles may be reversed for officer safety or training purposes.
  14. Non-uniformed officers operating unmarked patrol vehicles with concealed emergency lights and siren shall not regularly make vehicle stops for traffic violations due to the reduced visibility of their warning lights. Where failure to make a vehicle stop may result in death, injury or significant property damage, the officer in the unmarked unit should contact the dispatcher to request a marked patrol unit to make the stop if one is available. The unmarked unit may make a vehicle stop if justified by the urgency of the situation, but should be aware of the additional hazards involved.
  15. Non-uniformed officers operating vehicles not equipped with emergency lights or sirens shall not make a motor vehicle stop unless there is imminent danger of loss of life if they fail to act. In less urgent cases demanding attention, officers shall contact the dispatcher to request a marked patrol vehicle to perform the stop, and will then assist in directing the marked patrol unit to the subject vehicle's location.
- B. Issuing Citations
1. When issuing citations, conducting roadside sobriety tests or conversing with the violator, the officer and other parties shall be positioned to the side of the road, clear of their motor vehicles. At no time shall the officer or others stand in front of or behind the stopped vehicle. Officers shall use due regard to the safety of all person(s) present and be aware of traffic on the road. Officers shall use discretion when choosing the safest area to converse/ conduct testing while remaining in the view of their squad camera when possible.
  2. Violators shall be directed to remain in their vehicle while the officer writes the citation or conducts other business. Violators should not be seated in patrol vehicles while citations are being written or other police business is being conducted.

## *Directives of the Leech Lake Tribal Police Department*

3. The officer should position citations or paperwork and other related materials in a manner that allows the officer to observe the violator and other occupants until the stop is complete.
- C. Stops of Oncoming Motorists
1. Drive toward the extreme right of the roadway and, as the violator approaches, signal them to stop using hand signals and emergency lights as they approach.
  2. Do not leave the patrol vehicle when stopping oncoming motorists.
  3. If the violator complies with the officer's instructions and stops, the officer shall turn the vehicle around and appropriately position it behind the violator's vehicle.
  4. If the violator fails to comply with the officer's instructions, the officer shall turn the vehicle around and pursue, stop and approach the violator in the manner prescribe in IV A.
- D. Stops of Motor Vehicles Following the Police Vehicle
1. The officer shall drive to the right lane of the road or onto the shoulder and signal the motorist to stop as they approach.
  2. The officer should not exit the vehicle to signal the subject motorist.
  3. Should the motorist fail to comply, the officer shall return to the roadway, stop and approach the violator in the manner prescribed in section IV A. of this directive.
- E. High Risk Stops
1. When planning to stop a vehicle with potentially armed and dangerous suspects, the officer should notify the dispatcher, describe the nature and reason for the stop, provide information on the vehicle, tag number and number of occupants and request appropriate assistance to make the stop. If possible, the officer should specify the additional resources he/she is requesting and provide response information (e.g., direction of approach, where to position, etc.).
  2. An officer shall not conduct high-risk vehicle stops alone unless back-up units are not available in an appropriate amount of time or the

## *Directives of the Leech Lake Tribal Police Department*

urgency of the situation demands immediate action. Officers should continue to follow suspect vehicles for extended distances or into neighboring jurisdictions to allow assisting officers time to arrive, rather than attempting a high-risk stop alone.

3. After selecting an appropriate location and with adequate support units in position, the officer shall signal the suspect to stop.
4. Officers should position vehicles approximately 30 feet behind the suspect vehicle in positions to cover and illuminate the interior of the suspect's vehicle.
5. When a two-officer unit initiates a stop, the officer with the best observation point shall issue verbal commands to vehicle occupants through the vehicle's public address system, if available.
6. When the suspect vehicle has stopped, exit the police vehicle quickly and assume positions of cover. Often times the position offering best cover is the patrol motor vehicle itself, with doors open and windows rolled down.
7. The officer in charge shall identify himself/herself and notify the occupants that they are considered armed and dangerous, that all occupants of the vehicle are under arrest or being detained and that all instructions are to be followed without hesitation or suspicious movements.
8. The officer in charge of the high-risk stop should order the operator of the suspect vehicle to lower the window, remove the ignition keys with his/her left hand and drop them on the ground, open the door from the outside and step out of the vehicle with hands up, turn completely around and stop facing away from the officers, walk backward until commanded to stop and lie face down on the ground with hands stretched far to the sides. Other occupants shall be similarly commanded until all are in custody and searched.
9. The officer-in-charge should direct an assisting officer to approach the suspect vehicle to clear the passenger compartment and trunk. Other officers not engaged in securing suspects should cover the clearing officer.

### F. Vehicle Stops Involving Oversize and Overweight Vehicles



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

<b>DIRECTIVE 603</b>	<b>D.R.E. Operations</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This directive shall establish guidelines to aid in the effective recognition, apprehension, and prosecution of persons who are driving under the influence of any drug other than alcohol.

**II. POLICY**

It is the directive of the LLTPD to investigate persons who are driving under the influence of various substances. Special knowledge of the signs and symptoms of substance use (other than alcohol) is required for optimal investigating, charging and prosecution of such crimes. Drug Recognition Expert (D.R.E.) Officers are trained in observing and detecting these signs and symptoms. A D.R.E. Officer has obtained a certification in the standards defined by the International Association of Chiefs of Police to identify subjects whose driving is impaired by substances other than alcohol via validated scientific methods.

**III. SCOPE**

This directive applies to all sworn law enforcement officers, and conservation officers, and any other member of the Leech Lake Tribal Police Department, especially those assigned to D.R.E. operations while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. The following criteria must be met prior to the D.R.E. Officer being called out:
  - 1. Provision and procedures outlined in the Minnesota Statute should be applied without regard to the age of anyone suspected of driving under the influence of any drug other than alcohol.
  - 2. If the arresting officer suspects drug use other than alcohol, the Implied Consent Form shall request a B.A.C. test.
  - 3. To be suitable for a D.R.E. evaluation, the subject must be administered a B.A.C. test and register below a .08. A Portable Breathalyzer Test may be substituted for the B.A.C.

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4. If the impairment is not consistent with the B.A.C. results, there is a strong possibility the subject may be under the influence of some type of drug.
  5. If a D.R.E. Officer is not on duty, an on-duty supervisor shall be contacted and approve the need to call out a D.R.E. Officer.
  6. If approved, either the supervisor or dispatch, under the direction of the supervisor, will notify the on-call D.R.E. Officer.
  7. Officers shall not contact the D.R.E. Officer directly, unless authorization is given by the on-duty supervisor.
  8. If reasonably possible, there shall be two officers present during a D.R.E. evaluation, primarily, the arresting officer and the D.R.E. Officer. This is an officer safety issue and supervisors will make every effort possible to have a second officer available during the evaluation due to the unknown and violent behavior that can be demonstrated by persons under the influence of legal as well as illegal substances.
  9. Once the D.R.E. evaluation is complete, the D.R.E. Officer shall inform the arresting officer of their finding and make a recommendation of further action based on those findings.
  10. If the suspect is believed to be under the influence of a drug other than alcohol, the arresting officer will request a search warrant for blood or urine, pursuant to Minnesota Statute 169A.51, Subd. 3.
- B. Duties of the Arresting Officer
1. The arresting officer is responsible for all paperwork and citations associated with the D.W.I. arrest other than the D.R.E. evaluation and opinion sheet that will be completed by the D.R.E. Officer and attached to the arrest report.
  2. The arresting officer shall complete the affidavit and note in the report a D.R.E. evaluation has been completed.
  3. The arresting officer is also required to be in court if the case goes to trial to explain their initial contact with the subject and the signs of impairment they observed.

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4. If the arresting officer is informed by the D.R.E. Officer that there is no impairment, further actions will be taken at the discretion of the arresting officer.
- C. Duties of the D.R.E. Officer
1. The D.R.E. Officer is responsible for the completion of the evaluation and opinion sheet and submitting them in a timely manner.
  2. Miranda Warnings shall be read by the D.R.E. Officer as part of the investigatory process.
  3. If the evaluation is for another agency, the investigating agency shall be responsible for the chain of custody of all tests and samples.
  4. It is the responsibility of the D.R.E. Officer to inform the arresting officer of the results of the evaluation. If there are no signs of impairment, the D.R.E. Officer shall indicate so in their report.
  5. The D.R.E. Officer shall keep a log of all evaluations and crime lab submissions as required by the national D.R.E. coordinator.
- D. If the D.R.E. Officer is the Arresting Officer
1. If the D.R.E. Officer is also the arresting officer, the D.R.E. Officer shall be responsible for all documentation required as provided for in this directive for the arresting officer as well as the D.R.E. Officer.
  2. Under these circumstances, the D.R.E. Officer must make a determination if they need a second officer to observe the evaluation.

<b>DIRECTIVE 604</b>	<b>Motor Vehicle Searches</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To provide guidelines to officers when searching motor vehicles.

**II. POLICY**

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

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department authorized to search motor vehicles while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

A. When Vehicle Searches May Be Conducted – When feasible, a warrant will be obtained for the search of a motor vehicle. Warrantless searches are to be conducted only when lack of time or other exigencies make it impractical for officers to obtain a warrant. When a vehicle is inoperable, at little risk of becoming unavailable to officers, and it is unlikely any contraband or evidence will be removed from the vehicle or destroyed, the vehicle should be searched only after a warrant has been obtained. If officers can articulate reasons why the vehicle was searched without a warrant. Other instances when officers may search a vehicle without a warrant include:

1. When officers have probable cause to search the vehicle.
2. With the consent of the operator.
3. To frisk occupants and search the area of their immediate control for weapons.
4. When necessary to examine the vehicle identification number to determine the ownership of the vehicle.

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5. Under emergency circumstances not otherwise stated above.

### B. Scope of Vehicle Searches

1. Searches with a warrant – Officers may search all areas unless the warrant states otherwise.
2. Probable Cause searches – May extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area.
3. Consent searches – Limited to consent given. If consent is limited to specific areas of the vehicle, officers may only search those areas. Consent must be knowing and voluntary and should be in writing before the search is conducted.
4. Searches incident to the arrest of occupant – Shall be limited to areas within reach of the arrestee (normally the passenger area of the vehicle). The trunk, engine compartment and locked compartments within the passenger area may not be searched.
5. Weapon searches – Must normally be confined to the passenger area of the vehicle. Areas not immediately accessible to the vehicle's occupants, such as a locked glove compartment, may not be searched.
6. Examining a vehicle identification to determine ownership – Entries to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.

### C. Emergencies

1. Search of a motor vehicle under emergency circumstances not otherwise enumerated above must be limited by the nature of the emergency, and must be based on facts the officer(s) can articulate.
2. Proper extent of the search must be determined by the searching officer in each specific situation. In no event may the extent of the search exceed what is necessary to respond properly to the emergency.

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3. Where the initial search discloses probable cause to believe that other portions of the vehicle may contain proceeds, instrumentalities or evidence of a crime, or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.
- D. Containers – containers within the vehicle incapable of concealing the item(s) being sought may not be searched. In addition, unlocked containers found in motor vehicles are governed by the nature of the search, as follows:
1. In a probable cause search, containers such as paper bags, cardboard boxes, wrapped packages etc. wherever found in the vehicle may be opened.
  2. When a passenger compartment of a vehicle is being searched incident to an arrest, such containers found within the passenger compartment may be opened.
  3. Containers discovered during a consent search of the vehicle may be opened provided that the terms of the consent expressly permit or reasonably imply that a particular container may be opened.
  4. Containers found in or discarded from a vehicle under circumstances not justifying their search under probable cause rules, or connected to the search incident to arrest, should be secured but not searched until a warrant is obtained to search them.
  5. Locked containers – Locked containers such as brief cases and suitcases found during a search should be opened only if the search is being conducted under warrant or a valid consent to open the locked container is first obtained.
- E. Location and Time of Search - Whenever possible, a search of a motor vehicle and of containers found therein should be conducted at the time and location where the vehicle was discovered or detained. Under exigent circumstances, searching the vehicle or container may be delayed and conducted after the vehicle or container has been moved to another location. Thereafter, the search shall be conducted as soon as reasonably possible, that is, as soon as adequate personnel are available to conduct

## *Directives of the Leech Lake Tribal Police Department*

a thorough search with due regard for the safety of all officers, the public and property concerned.

- F. Conduct of Search - Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.
- G. Abandoned Vehicles - Examination of a vehicle that has been abandoned on a public roadway is not considered a search. If an officer can determine in advance that the vehicle has been abandoned, examination of the interior of the vehicle shall be conducted only in accordance with the provisions of this directive and applicable law.
- H. Seizure of Evidence - Any evidentiary items discovered during a motor vehicle search shall be collected, handled, packaged, marked, transported and stored in accordance with applicable directives and procedures of this Department. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner or occupants of the vehicle.
- I. Compliance with Health and Safety Requirements - Searches of motor vehicles are to be conducted in strict compliance with all applicable laws, governmental regulations and departmental directives and procedures pertaining to the protection of departmental personnel from communicable diseases and hazardous substances. Officers conducting vehicle searches should use personal protective equipment including gloves and goggles appropriate to the anticipated risks. Any exposure of search personnel or others to such substances shall be immediately reported to a supervisor.
- J. Security of Vehicles and Property Contained Therein - If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps reasonably necessary to secure and preserve the vehicle or property from such hazards.



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



**LEECH LAKE TRIBAL POLICE DEPARTMENT**

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Toll Free 800-622-9225

Fax 218-335-8297

**CONSENT TO SEARCH**

Case Number \_\_\_\_\_

You have the right to refuse permission to search your property whether owned, leased, or under your control, without a valid search warrant. This includes your home, motor vehicle or possessions. You have the right to stop a voluntary search at any time and ask us to obtain a valid search warrant. Anything found in, on, or about your property may be seized and used against you in a court of law. You have the right to contact an attorney of your own choosing to determine whether or not you wish to consent to a search of your property or belongings before making a decision.

I have read the above statements of my rights and fully understand them. Having each of these rights in mind, I waive them and hereby give to the officers, whose name(s) appear on this waiver permission to search my:

\_\_\_\_\_ Describe in detail the property, home or vehicle to be searched.

Located at: \_\_\_\_\_

**Acknowledgment**

I hereby state that I have not been mistreated, nor threatened, nor promised reward or leniency in return for giving my permission to search my property, vehicle or residence.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of birth

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Police Officer witnessing signature and badge #

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Searching officers names and badge numbers.

<b>DIRECTIVE 605</b>	<b>Impounding &amp; Releasing Motor Vehicles</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To establish guidelines governing conditions for impounding and releasing motor vehicles. For purposes of this order, “impounded vehicle” shall mean a vehicle towed at the direction of a Leech Lake Tribal Police Department (LLTPD) employee.

**II. POLICY**

It is the directive of the Leech Lake Tribal Police Department that impounding and releasing motor vehicles will be conducted in accordance in accordance with Minnesota law and the conditions of this directive.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department whose duties include impounding or releasing motor vehicles while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Conditions for Impoundment**

1. A vehicle can be impounded in accordance with MN Statute, Section 169.33.
2. A vehicle can be impounded when involved in a crime and the vehicle itself constitutes an element or proceed of the crime or if it is believed to contain evidence.
3. A vehicle can be impounded if it is reported stolen.
4. A vehicle can be impounded if it is parked in such a manner that it creates a public hazard.
5. When the driver is removed because of incapacity due to a medical condition.
6. When operated with unsafe equipment, the operation of the vehicle presents a hazard to traffic or public safety.

## *Directives of the Leech Lake Tribal Police Department*

7. A vehicle can be impounded when the driver is arrested and separated from the vehicle, unless any of the following circumstances are present:
  - a) If the driver is the owner and consents to the vehicle being released to another person, provided that person can be contacted and is able to take control of the car without delay. If the vehicle is on public roadway, the person should have valid driving privileges in Minnesota and is not otherwise prohibited from driving or possessing a motor vehicle (e.g., under the influence of alcohol).
  - b) If the driver is not the owner and the owner is present, the vehicle shall be released to the owner, pursuant to the restrictions specified in section *i* regarding release to another person.
  - c) If the arrestee is removed from a vehicle parked upon his property, the vehicle may not be impounded unless the arrestee requests that the vehicle be towed or the vehicle is evidence, contains evidence or is reported stolen.
  - d) When any other person is arrested and that person was not using the car to commit a crime or was not seen in the car at the time of the offense, their vehicle shall not be impounded except for reasons specified elsewhere in law or this directive, or at the person's request.
- B.
- C.
- D. Private Tows – If a vehicle that is stalled at the scene of an accident where the owner or driver is not arrested or removed for medical care, and the vehicle is not being impounded for investigation, the officer shall inform the owner or driver that a tow will be requested to remove the vehicle to a location of the owner or driver's choosing and at their expense. If the vehicle is not a hazard, the driver or owner may arrange their own tow.
- E. Private Property – Removal of a vehicle from private property is the responsibility of the property owner or their agent in the absence of a police "hold" or "want".

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### F. Report

1. Any time a vehicle is impounded, an impound/inventory form must be completed and submitted along with an incident report wherein the reason for the impound is established and documented.
2. The impound/inventory form must be completed in its entirety. Where information is requested on the form and none is available, the annotation "N/A" shall be inserted in the space provided.
3. In all instances where an impounded vehicle is designated "hold," the police employee responsible for the impounded vehicle shall write the reason for the hold in the remarks section of the impound form.
4. The impound form shall be completed by the officer who impounds the vehicle before the end of the shift.

### G. Vehicle Inventory

1. The contents of all impounded vehicles shall be inventoried and articles with an approximate value exceeding \$100.00 will be itemized on the impound form. Money and jewelry valued in excess of \$100.00, firearms, and any other property having substantial value and not affixed to the vehicle, may be inventoried and stored in the police department evidence room. Articles of substantial value that are too large to store at the Tribal Police Department may be left in the vehicle after being so indicated on the impound form.
2. Keys must remain with the vehicle except when the vehicle has evidentiary value or contains evidence, the keys shall be removed and property inventoried as evidence.

### H. Issuance of Citations

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

violator's copy will be given to the claimant and the other copy processed through the normal channels.

<b>DIRECTIVE 606</b>	<b>Search Warrants</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To establish guidelines for executing search warrants that provide for the lawful search and seizure of evidence necessary for successful investigations while preserving property owners' rights to their property and premise.

**II. POLICY**

Obtaining and executing search warrants must be conducted in accordance with constitutional protections, pursuant to Minnesota law, and in compliance with the conditions of this directive.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department assigned to execute search warrants while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Application for Warrant – The following information is required on the Application for Warrant.
  - 1. Objects to be searched-generally:
  - 2. Stolen property.
  - 3. Items used in committing a crime.
  - 4. The possession of the property or items constitutes a crime (contraband).
  - 5. Items that show ownership, possession, or control of property; records of transactions or communications, proof of residency or occupancy, or otherwise relate to a person's ability, means, or motive to commit a crime.

## *Directives of the Leech Lake Tribal Police Department*

6. Any other item proving or disproving elements of a criminal offense.
- B. Specific description of place to be searched
1. Private residences should be identified by street address. Any detached building within the area of the primary buildings should be described if it is intended to be searched.
  2. Vehicles shall be listed separately.
- C. Specific description of items to be seized
1. Officers should include as detailed description as is possible to be used in identifying the item(s) to be seized.
  2. Generally, a less precise description is required of property that is unique or of a particular character, such as contraband.
  3. Greater care in description is ordinarily necessary when the type of property sought is generally in lawful use in substantial quantity.
- D. Verbal request is made to a supervisor – After careful review of all available reports and information, the County Attorney or Tribal Attorney will be asked to complete a search warrant packet including:
1. Application for a search warrant – submit an original and two photocopies to be distributed as indicated on the bottom of the form.
  2. Supporting Affidavit – must establish probable cause to search for the listed items at the particular place described in the application.
  3. Search Warrant – Submit the original and three copies to be distributed as indicated on the bottom of the form.
  4. Receipt, Inventory and Return Form – Submit an original and three copies to be distributed as indicated on the bottom of the form. This portion is not to be completed until after the warrant is executed.
- E. Application may be made to any neutral judge
1. In addition to the distribution order shown on the bottom portion of the forms, an officer must deliver to the issuing judge a copy of the warrant (parts one and two) when making application.

## *Directives of the Leech Lake Tribal Police Department*

2. The warrant must be read and signed by the judge.
  3. After the warrant is signed, an officer shall not alter it in any manner. If an error is detected in the warrant, it must be returned to the issuing judge for correction.
- F. Application for warrants outside the jurisdiction of the Band - The assistance of a peace officer from the county where the warrant is being sought shall be enlisted when making application for the warrant.
- G. Preparation for search warrant execution: In preparing to execute a search warrant, the officer in charge should allocate sufficient personnel to ensure:
1. Officer safety.
  2. The containment of persons at the scene of warrant execution.
  3. The security of the items being sought and prevent destruction or concealment of evidence. Generally, a minimum of three officers is necessary to execute a warrant, with at least one officer in uniform for entry purposes. This number should be increased depending upon the magnitude of the search to be conducted.
  4. Where warrants are to be executed in another jurisdiction, officers shall notify that jurisdiction before the warrant is served and ask if they wish to participate.
- H. Execution of Search Warrants
1. A warrant must be executed and returned to the court from which it was issued within ten days of issuance. A warrant is valid for as long as the probable cause recited in the affidavit exists, up to a maximum of ten days from the issue date. A warrant should be executed in a timely manner to ensure the probable cause has not dissipated.
  2. A warrant is valid for daytime service only, unless the facts in the affidavit justify a nighttime search and a nighttime search is expressly authorized in the warrant.
  3. No person other than the officer or members of the prosecuting attorney's office shall be permitted to accompany officers in the execution of a warrant unless absolutely necessary.



## *Directives of the Leech Lake Tribal Police Department*

4. Only officers assigned to serve the warrant or members of the prosecuting attorney's office shall execute the warrant. The lead officer or investigator in charge of the warrant's execution may authorize additional persons if necessary. All persons present should be listed in the written report.
- I. Gaining Entry to a Private Residence
    1. Generally, officers shall knock and announce their identity when demanding admittance. They shall then wait to be admitted, explain their purpose, and display the warrant to the occupants. When no one is home, entrance may be accomplished by the least forceful means possible under the circumstances.
    2. Officers may enter unannounced when entry without announcement is expressly authorized by the warrant. In such cases, officers shall enter the premises by the most efficient means possible, inflicting the least amount of damage possible under the circumstances.
    3. When officers execute a warrant where unannounced entry is not authorized, and are confronted with exigent circumstances that would justify an unannounced entry, officers may enter unannounced. The burden of proof then lies with the executing officers who are required to articulate the circumstances causing the unannounced entry. To validate the exigent circumstances, officers will have to show that the unannounced entry was necessary to prevent the loss, destruction or removal of the objects of the search, or to protect the safety of the officers or others.
    4. When a person is injured or property is damaged during the execution of a warrant, the involved officers must file reports setting forth the reason(s) for the injuries and/or the necessity for the damage.
  - J. Gaining Entry to a Commercial Establishment
    1. Officers possessing a search warrant for a commercial establishment under normal circumstances should attempt to execute the warrant when someone is present therein.
    2. The same principles of warrant service apply to commercial establishments as do to those executed at private residences.

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- K. Detention and Search of Persons on Premises to be Searched
  - 1. Persons on the premises may be detained while the search is conducted when the executing officers reasonably believe that the detained persons are involved in criminal activity relating to the warrant. Officers may likewise detain individuals present who are deemed likely to conceal, contaminate, or destroy evidence or otherwise interfere with the warrant's execution, unless they can be directed to safely leave the premise.
  - 2. Officers may pat-down any person on the premises who they reasonably believe may have a weapon concealed upon their person.
  - 3. A person on the premises may be thoroughly searched when:
    - a) It is incidental to a lawful arrest.
    - b) The person is named in the warrant.
    - c) The officer has reason to believe that the person has an object of the search concealed upon their person.
  
- L. Warrant Filing
  - 1. Upon completion of search, a copy of the warrant and a copy of the Receipt and the Inventory and Return shall be given to the person from whom the property was seized; or the person in control of the property is not present or transported from the scene, the copies may be left at the scene of the search.
  - 2. The original warrant and the completed original of Receipt, Inventory and Return shall be returned to the issuing court as soon as practical.
  
- M. Disposition of Property
  - 1. Property seized pursuant to a search warrant issued in conjunction with an investigation being conducted by LLTPD shall be properly inventoried on a property inventory form.
    - a) The property may be transferred to other criminal justice agencies for investigative purposes providing the chain of custody is maintained and so noted on the inventory form.

## *Directives of the Leech Lake Tribal Police Department*

- b) Seized property that will be used in a subsequent prosecution may be released to the legal owner upon approval of the prosecuting authority. The property shall be photographed with the owner and an identifying case number prior to release. The date and time of release shall be noted on the inventory form.
2. When LLTPD officers assist another jurisdiction with warrant execution, that jurisdiction will be responsible for the property seized and no Department inventory form is necessary.

<b>DIRECTIVE 607</b>	<b>Third-Party Recording Police Activity</b>
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**Effective Date: 08-01-2017**

**PURPOSE**

To ensure the protection and preservation of every person's Constitutional rights, including the absolute right under the First Amendment to photograph and/or video record the enforcement actions of any department member.

**POLICY**

The Leech Lake Tribal Police Department recognizes that members of the general public have a First Amendment right to video record, photograph, and/or audio record department members while they are conducting official business or while acting in an official capacity in any public space, unless such recordings interfere with police activity.

**SCOPE**

This directive applies to the sworn law enforcement officers and conservation officers, and all other members, of the Leech Lake Tribal Police Department in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**DEFINITIONS**

*Recording:* The act or acts of capturing still or moving images or audio by means of digital or analog devices

*Recording Device:* Any device designed for or capable of capturing video, sound, or still images. Includes but is not limited to:

1. Cellular telephones
2. PDAs, i.e. Personal Digital Assistants
3. Digital or analog still cameras
4. Digital or analog video cameras
5. Digital or analog audio recorders
6. "Smart Phones"

## *Directives of the Leech Lake Tribal Police Department*

7. Electronic tablets, such as “iPads”
8. All other similar digital and/or analog devices capable of capturing a still or moving image or images and/or audio

### **PROCEDURE**

Members are reminded that photography, including video recordings, of places, buildings, structures and events are common and lawful activities. If a person is taking photographs or recording from a place where he or she has a right to be, members are reminded that this activity by itself does not constitute suspicious conduct.

In areas open to the public, members shall allow bystanders the same access for photography as is given to members of the news media. Members shall be aware that:

1. A bystander has the same right to take photographs or make recordings as a member of the media, as long as the bystander has a legal right to be present where he or she is located.
2. A bystander has the right under the First Amendment to observe and record members in the public discharge of their duties.
3. Examples of public settings include parks, sidewalks, streets, and locations of public protests; but that protection extends also to an individual’s home or business, common areas of public and private facilities and buildings, and any other public or private facility at which the individual has a legal right to be present.
4. The fact that a bystander has a camera or other recording device does not, however, entitle the bystander to cross a police line, to enter an area that is closed to the public, or to enter any area designated as a crime scene.

As long as the photographing or recording takes place in a setting at which the individual has a legal right to be present and does not interfere with a member’s safety, members shall not inform or instruct people that photographing or recording of police officers, police activity or individuals who are the subject of police action (such as a Terry stop or an arrest) is not allowed; requires a permit; or requires the member’s consent. Additionally, members shall not:

## *Directives of the Leech Lake Tribal Police Department*

1. Order that person to cease such activity; or
2. Demand that person's identification; or
3. Demand that the person state a reason why he or she is taking photographs or recording; or
4. Detain that person; or
5. Intentionally block or obstruct cameras or recording devices.
6. Seize the camera or recording device or storage media.

<b>DIRECTIVE 701</b>	<b>Evidence Storage &amp; Control</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to establish guidelines for maintaining the integrity of the evidentiary chain of custody.

**II. POLICY**

It is the directive of the Leech Lake Tribal Police Department (LLTPD) to ensure evidence in its custody is properly secured and stored, readily retrievable and that changes in its custody have been properly and fully documented.

**III. SCOPE**

This directive applies to all sworn law enforcement officers, conservation officers, and other members of the Leech Lake Tribal Police Department assigned to control or process evidence while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCE**

Minnesota State Auditor, *Best Practices: Property and Evidence Room Directives and Procedures Manual*, February 2011.

**V. PROCEDURE**

**A. Processing Evidence**

1. Any member of the LLTPD placing evidence into the evidence room shall make an inventory of that evidence on the appropriate form at the location it was found or recovered. The inventory shall include the following information for all items of evidence:
  - a) Description of the item (including make, model and serial number, if any).
  - b) Source (from whom or location obtained).
  - c) Name of person primarily responsible for collecting the item(s).

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2. The impounding officer shall properly handle, mark and package all evidence and then transport all physical evidence to the evidence room or other authorized secure location as soon as practical.
  3. Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency directive and tribal, state and federal law. Such substances include, but are not limited to items that may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, explosives or highly combustible products. When appropriate, the evidence custodian will assume the responsibility for storage and control of such substances outside the evidence room.
- B. Impounding Evidence
1. The evidence custodian shall be responsible for receiving, storing, maintaining, releasing and accounting for all evidence in compliance with established Department directive.
  2. When evidence is deposited with the evidence custodian or in an approved holding facility, an evidence receipt shall be completed by the impounding officer. The evidence receipt shall contain all information necessary to both document and ensure the integrity of the chain of custody. All drugs shall be weighed and kept separately, and monies shall be counted by the evidence custodian and the amount recorded on the evidence receipt.
  3. The evidence custodian shall be responsible for developing and maintaining a master file of all evidence invoices and evidence tags completed. This file may be either manual or automated and shall be cross-indexed with the chain of evidence custody file.
- C. Storage of Evidence
1. The evidence custodian shall assign a storage location to each item of evidence and record this information on the evidence receipt and evidence tag.
  2. Evidence requiring additional security, to include money, precious metals, jewelry, gem stones, furs and related items (of potential high value), shall be stored separately. Weapons, narcotics and dangerous drugs shall be kept in a separate secure storage area.



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3. Perishable items shall be stored in a refrigerator or other suitable container.
  4. Upon court disposition, or declination of prosecution, all evidence (physical or otherwise noted) is subject to destruction after 90 days, to be completed by the evidence custodian.
- D. Access to the Evidence Room
1. Only members of the Department authorized by the Chief of Police may enter the evidence room.
  2. A log shall be kept by the evidence custodian that identifies each authorized member entering the evidence room.
- E. Inspections of the Evidence Room
1. On a monthly basis, the supervisor of the evidence custodian shall inspect the evidence storage facilities to ensure adherence to appropriate directives and procedures.
  2. Unannounced inspections of evidence storage areas shall be conducted semi-annually as directed by the Chief of Police.
  3. An annual inventory of evidence held by the agency shall be conducted by a commanding officer (appointed by the Chief of Police), not routinely or directly connected with evidence control. Similar inventories shall be conducted whenever a new evidence custodian is assigned.
- F. Recording Transfers of Custody
1. The evidence custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence.
  2. A written record of all transfers of physical evidence shall be made.
  3. Members of the LLTPD who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage and maintenance and for the ready retrieval of such evidence upon demand.

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- G. Disposal of Evidence
1. Members of the LLTPD will wait 90 days from the confirmation of disposition to notify/request the originating County Attorney involved with the case for approval of destruction of evidence. Only after approval from the County Attorney will the evidence be destroyed
  2. When no longer needed for evidentiary purpose, all evidence - with the exception of firearms and contraband, shall be returned to its lawful owner unless title to the evidence is transferred to this or other jurisdictions by court order. If the lawful owner fails to claim the evidence, the agency may, as permitted under state law:
    - a) Destroy it.
    - b) Dispose of it by public auction.
    - c) Retain it for use by the LLTPD.
  3. Firearms and other non-drug contraband shall be physically destroyed, unless:
    - a) Court order authorizes use of the item by the LLTPD.
    - b) The firearm is required by tribal or state law to be returned to its lawful owner.
    - c) The firearm may be sold to a federally-licensed firearms dealer.
  4. The Chief of Police or his/her designee shall designate an officer or investigator to monitor the entire drug destruction process. Prior to the date of destruction, this individual shall:
    - a) Select a random sample of the items designated for destruction.
    - b) Have these items quantitatively and qualitatively tested by the agency's drug identification process;
    - c) Compare these results with prior testing conducted by the laboratory and, if no discrepancies are found, return the items to the property room.
    - d) If any discrepancies are found before the drugs are destroyed, immediately and discretely notify the Chief or Assistant Chief of

## *Directives of the Leech Lake Tribal Police Department*

Police, who shall immediately initiate an appropriate investigation.

- e) On the date of destruction, monitor the loading of the items to be destroyed, accompany the items to the destruction site and observe the destruction process.
  - f) During the destruction process, select a random sample of items to be destroyed and have these items verified by the department's drug identification process, and compare these results with prior test results.
  - g) If no discrepancies are found, return these items to the evidence room to include in the next planned destruction.
  - h) If discrepancies are found, immediately and discretely notify the Chief or Assistant Chief of Police who shall initiate an appropriate investigation.
5. After completion of the destruction process, submit a report to the Chief or Assistant Chief of Police that shall include:
- a) The date, time and location of the destruction.
  - b) An inventory of the items destroyed.



<b>DIRECTIVE 702</b>	<b>Property Seized by Administrative Forfeiture</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide guidelines to all members of the Leech Lake Tribal Police Department (LLTPD) governing the processing and disposition of property seized by administrative forfeiture.

**II. POLICY**

It shall be the directive of the Leech Lake Tribal Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which this agency serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture. Training will be provided by the employing law enforcement agency in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training to be conducted whenever the agency directive is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include but not limited to agency directive, directives, electronic or traditional classroom education.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department responsible for processing property seized by administrative forfeiture while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. DEFINITIONS**

- A. *Cash*: Money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.
- B. *Conveyance Device*: A device used for transportation and includes but is not limited to a motor vehicle, trailer, snowmobile, airplane or vessel and any equipment attached to it. The term "conveyance device" does not

## Directives of the Leech Lake Tribal Police Department

include property, which is, in fact, itself stolen or taken in violation of the law.

- C. *Firearms/ammunition/firearm accessories*: A device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, fire arm optics, suppression devices, cleaning supplies, etc.
- D. *Forfeiture*: The process by which legal ownership of an asset is transferred to a government or other authority.
- E. *Jewelry/Precious Metals/Precious Stones*: The term “precious metals/precious stones” includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium and palladium. Precious stones often referred to as gemstones, include but are not limited to diamonds, emeralds and rubies.
- F. *Forfeiture/Seized Property Reviewer*: An Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor’s office.
- G. *Seizure*: The act of law enforcement officials taking property, including cash, vehicles, etc., that has been used in connection with or acquired by illegal activities.

### V. PROCEDURE

- A. Seized Property Subject to Administrative Forfeiture - The following property may be seized and is presumed under MN Statutes § 609.5314 to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:
  - 1. All money, precious metals and precious stones found in proximity to:
    - a) controlled substances;
    - b) forfeitable drug manufacturing or distributing equipment or devices; or

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- c) forfeitable records of manufacture or distribution of controlled substances.
  2. All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.
  3. All firearms, ammunition and firearm accessories found:
    - a) in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
    - b) on or in proximity to a person from whom a felony amount of controlled substance is seized; or
    - c) on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.
  4. Seizure of property not listed above must be processed, reviewed, and approved by the unit supervisor.
- B. Processing Seized Property for Forfeiture Proceedings
  1. When any property as described in the above section is seized, the peace officer making the seizure must prepare the following:
    - a) The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, location, and the date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under MN Statutes § 609.5314 if the retail value of the asset exceeds \$50,000.00.
    - b) A receipt for the item(s) seized.
  2. The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under MN Statutes § 609.5314 to follow to

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obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

3. All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.
4. The peace officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports to the Forfeiture/Seized Property Reviewer within ten (10) days of seizure.
5. The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

### C. Other Items

1. Cash
  - a) Peace officers shall not seize cash having an aggregate value less than \$100.00, unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted and the amount verified by another employee of the Agency. The property bag and/or inventory receipt shall then be co-signed when cash is involved.
  - b) All forfeitable cash seized will be turned over to the Forfeiture/Seized Property Reviewer or property/evidence room as soon as practicably possible of the seizure. Cash will be locked up until transferred.
  - c) Prior to deposit with the Forfeiture/Seized Property Reviewer, peace officers shall examine all cash seized to determine whether it contains any buy funds. Peace officers



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shall document the recovery of all buy funds and deposit those funds with the Forfeiture/Seized Property Reviewer to be returned to the appropriate unit's buy fund account.

- d) Peace officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.
- e) The peace officer conducting the seizure shall provide a copy of the completed property inventory receipt to the Forfeiture/Seized Property Reviewer.
- f) It is the seizing peace officer's responsibility to secure the cash consistent with the agency directive or procedure.

### 2. Jewelry/Precious Metals/Precious Stones

- a) Peace officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture/Seized Property Reviewer.
- b) Peace officers seizing jewelry, precious metals and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

### 3. Conveyance Device

- a) Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility.
- b) Peace officers shall inventory the conveyance device and its contents in accordance with agency directive. Peace officers shall also complete applicable report forms and distribute them appropriately.

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4. Firearms/Ammunition/Firearm Accessories - When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per agency directive/procedure.
- D. Case File Status - The Forfeiture/Seized Property Reviewer shall forward all changes to forfeiture status to the supervisor who initiated the case.
- E. Report Writing
1. Peace officers seizing property must complete a report. All reports must include a description of the items seized, where the property is turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving peace officer and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.
  2. All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

<b>DIRECTIVE 801</b>	<b>Department Issued Vehicles</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This directive will provide guidelines and establish expectations for the provision of motor vehicles by the Leech Lake Tribal Police Department for use by its members.

**II. POLICY**

It is the directive of the LLTPD that motor vehicles will be purchased or leased and provided to its employees to expedite the transaction of official departmental business. Department vehicles are not provided for LLTPD's granted employees.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. LLTPD may purchase, lease, or otherwise obtain motor vehicles for employee use to the extent required for the efficient and effective transaction of official Department business as authorized by the Chief of Police. LLTPD vehicles are not provided for the convenience of LLTPD's grant-funded employees. Examples of official business requiring vehicle use include:
  - 1. As required to carry out authorized projects, including project work pursuant to grant agreements or contracts
  - 2. Use supporting response to major disasters or emergency situations.
  - 3. While on official temporary duty (TDY) travel assignments as documented and approved for LLTPD training or other travel.
- B. Specific or prior approval is not required for home-to-work transportation during official duty. This includes using a LLTPD vehicle for transportation for the following purposes:
  - 1. Between official station and temporary duty locations.

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2. Between residence and common carrier terminal and from the common carrier terminal to the residence.
  3. Within the defined area of the official station.
  4. From common carrier terminals at a temporary duty station to place of business and between such places if more than one is involved.
  5. From common carrier terminals at a temporary duty station to place of lodging.
  6. From place of lodging to place of business at a temporary duty-station where reasonable public transportation is not available or where the use of an IHSP vehicle for such purposes would be advantageous to the tribal project.
  7. From place of lodging at a temporary duty station, where other reasonable means of transportation are not available, to obtain goods or services necessary to the health and well-being of the employee. This includes travel in an official vehicle to obtain medical services, attend religious services, and to obtain goods and services at restaurants, barbershops, beauty shops, drugstores, laundries, and dry-cleaning establishments.
- C. The Police Chief and or his designees may prescribe by rule the appropriate conditions for incidental uses (other than for official business) of LLTPD purchased or leased motor vehicles.
1. Use of LLTPD vehicles for transportation by a tribal officer between his/her residence and place of employment requires advance written approval by the tribal directive.
  2. Transporting personnel of other tribal agencies, and non-project employees. An employee may transport persons who are not employed by tribe only when conducting official business when it benefits the Tribal Government and does not interfere with accomplishing the employee's primary business.
  3. To transport persons in emergency or disaster situations while assisting persons with injuries or in pain, and preventing death or serious damage to persons or property.

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- D. Transportation of Family Members and Others. Tribal employees shall not transport family members, friends, or other persons who are not conducting official business in a LLTPD vehicle (except as provided in B. 2., above). This does not authorize transportation to/from an employee's residence.
- E. Grantee Use of LLTPD and or IHSP Vehicles.
  - 1. Tribal Managers who provide grantees with IHSP vehicles are responsible for ensuring that such vehicles are used only for the performance of the work authorized under such IHSP grants, only to the extent provided in the Federal Acquisition Regulations, Subpart 51.2.
  - 2. Tribal Managers must ensure that grantees establish and enforce suitable penalties for their employees who willfully use or authorize the use of IHSP vehicles for other than official purposes.
  - 3. Tribal grantees assume any cost or expense incident to any use not related to the performance of the grant. Such assumption of cost or expense is without the right of reimbursement from the Government.
- F. Unauthorized Use of Motor Vehicles.
  - 1. Use of IHSP funded vehicles for recreation, conduct of personal business or transporting persons not engaged in official grant business is prohibited except as provided in Paragraph B. 4., above.
  - 2. Whenever apparent unofficial use of LLTPD/IHSP vehicles is observed, the Office of Inspector General (OIG), Office of Acquisition and Property Management (PAM) and Tribal Police Chief shall be notified. The OIG, PAM, and Tribal Police Chief may conduct an internal investigation to determine if a violation has occurred. The OIG will furnish a copy of the facts and findings to the Director, PAM and notify the applicable management official(s) of the using activity of the alleged violation in writing.
  - 3. Any tribal officer or employee who willfully uses or authorizes the use of LLTPD/IHSP vehicles for other than official purposes is subject to disciplinary actions per tribal directive and procedure. The LLTPD/IHSP reserves the right to evaluate any allegations of willful misuse of a grant provided vehicle. If allegations are sustained that a

## *Directives of the Leech Lake Tribal Police Department*

tribal program is egregiously and willfully misusing an LLTPD/IHSP provided vehicle, sanctions will be imposed upon the project from corrective action letter to removal and re-assignment of the federal funded vehicle.

### G. Motor Vehicle Operator Requirements

1. This section provides guidelines for maintaining an effective vehicle control system for determining the qualifications of those employees who are authorized to operate LLTPD/IHSP purchased vehicles, and for ensuring the safe and efficient operation of these vehicles.
2. Tribal granted project will establish requirements for the safe operation of motor vehicles that include the following:
  - a) Provide a system for restricting motor vehicle operations to qualified and authorized persons (recognizing a state licensing entity as the standard for illustrating the capabilities of a motor vehicle operator).
  - b) Require a tribal employee who regularly operates a tribal, rental, or privately-owned motor vehicle for the tribal employee who regularly operates a LLTPD/IHSP motor vehicle for the Department to:
    - (1) Possess a valid state driver's license for the class of vehicle being operated. He/She must notify his/her employer if his/her driver's license is suspended, revoked, canceled, or he/she has been otherwise disqualified from holding a license.
    - (2) Have his/her supervisor's approval to operate the vehicle. The supervisor must establish that the employee can operate the vehicle safely in the operational environment assigned.
    - (3) Be at least 18 years old, or the higher age at which persons in that jurisdiction may hold an unrestricted driver's license.
    - (4) Have his/her driving record validated by the State and/or National Driver Register upon employment and whenever

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management deems it advisable to review his/her driving record.

(5) Require grant employees who infrequently operate sedans and other light motor vehicles to meet conditions b) (1), (2), and (3) above. Condition b) (4) is also recommended, but at tribal discretion.

- c) Require a driver and all passengers to use the provided safety belts at all times when the motor vehicle is in motion, on or off the highway.
- d) Provide drivers initial and refresher training as necessary for them to operate safely. Also inform them of the potential penalties for failure to operate motor vehicles in a safe and lawful manner (see 49 CFR 383 and 391).
- e) Investigate and analyze vehicle accidents related to departmental operations and take appropriate action to minimize them.
- f) Report Department-related accidents as required.
- g) Include appropriate safety features in purchase orders and lease agreements for non-General Services Administration vehicles.
- h) Inspect and maintain motor vehicles in a safe, operable condition.

### H. Adverse and Disciplinary Action

1. Adverse or disciplinary actions against operators must be in accordance with tribal applicable regulations. Prior to taking any action against an employee the tribe must follow their Human Resource directive and procedures.
2. Any tribal employee who willfully uses or allows the use of LLTPD/IHSP motor vehicles for other than official purposes is subject to disciplinary action.
3. Tribal Permission to drive an LLTPD/IHSP vehicle may be suspended, and/or revoked if warranted. LLTPD/IHSP recommends disciplinary or other appropriate action be taken against operators for situations such as, but not limited to, the following:

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- a) State license is revoked.
- b) Not qualified to operate a motor vehicle safely because of a physical or medical condition.
- c) Convicted of operating under the intoxicating influence of alcohol, narcotics, or pathogenic drugs.
- d) Convicted of leaving the scene of an accident without making his or her identity known.
- e) Convicted of reckless driving, speeding, at-fault accidents or other traffic violations, except parking violations.
- f) Guilty of neglect and/or abuse in the care or operation of Tribal Government motor vehicles.



<b>DIRECTIVE 802</b>	<b>Department Vehicles: Take Home Squads</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to outline the procedure regarding the use of department issued vehicles while on duty, off duty or in transport to and from the officer's residence.

**II. POLICY**

Personnel issued a vehicle for their primary duties with the LLTPD may drive that vehicle to and from their primary service area to their place of residence (if their residence is within twenty (20) miles of the reservation boundary), at a minimal cost, through a Mileage Compensation Contract. If an employee lives within the Leech Lake boundaries, they will incur no cost. If the employee lives outside the exterior boundaries of the reservation, there will be a cost, per mile, to drive the vehicle. The cost will be computed by an approved formula. Employees residing more than twenty (20) miles outside reservation boundaries are prohibited from taking their vehicles to their place of residence under the provisions of this directive.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department who are assigned motor vehicles for use while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Personnel Affected – Employees issued a vehicle owned or leased by the LLTPD who reside outside of but within 20 (20) miles of the boundaries of the Leech Lake Reservation.
  - 1. Cost Formula - The following cost formula used for calculating mileage/payment:
    - 2.  $(\text{Current price per gallon}) / (14 \text{ mpg}) = \text{CPM (Cost per Mile)}$ 
      - a)  $(\text{CPM}) * (\text{mileage from residence to boundary}) * 2 \text{ (round trip)} = \text{PPD (price per day)}$
      - b)  $(\text{PPD}) * (15 \text{ days of duty}) = \text{amount owed by LLTPD employee}$

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c) EXAMPLE:

$$(1) \text{ gal}/14 \text{ mpg} = .18$$

$$(2) .18 * 13 \text{ miles} = 2.34 * 2 = 4.68$$

$$(3) 15 = \$70.20/\text{month}$$

- B. Personnel Not Affected – Supervisors, investigators, ERU team members, personnel who drive Government Leased (GSA) vehicles, and those residing within the boundaries of the Leech Lake Reservation.
- C. Mileage – An odometer reading from the employee’s home to the nearest reservation boundary will be required to be recorded onto the Mileage Compensation Contract.
- D. Payment Method – Employees will be required to pay the Department monthly in the form of personal check or money order. Cash will not be accepted. Payment will be made to the Administrative Officer.
- E. Other Factors of Consideration
  - 1. This benefit is completely voluntary and employees may opt out of the contract and drive their personal vehicle to work with the understanding that they shall be ready to begin work at their scheduled service time, regardless of their preferred method of arrival.
  - 2. Payment of gas reimbursement to the LLTPD is only based on the individual’s regularly scheduled shifts. Miles driven to report for overtime shifts, extra duty, staff meetings, court appearances, etc., are excluded from the reimbursement requirement.
  - 3. Some circumstances may arise that require a supervisor to make a decision regarding the use of Department-issued vehicles, nothing in this directive would prevent the supervisor from making that decision when it is deemed necessary and prudent.

<b>DIRECTIVE 803</b>	<b>Lighting Exceptions for Law Enforcement Vehicles</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide a uniform guideline for police or conservation officers to use when operating a Department vehicle without headlights, taillights or marine navigational lighting while functioning as a peace officer of the LLTPD.

**II. POLICY**

It is the directive of this Department that its licensed peace officers may operate Department vehicles without lighting required by Minnesota statute in certain situations. This directive provides guidance to those officers when operating without vehicle lighting for their safety and that of the public and to comply with Minnesota law.

**III. SCOPE**

This directive applies to all licensed police officers and conservation officers of the Leech Lake Tribal Police Department who operate Department vehicles while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCE**

Minnesota Statute § 169.541	Lighting Exemptions; Law Enforcement Vehicles; Standards
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**V. PROCEDURE**

- A. Response Procedure – A peace officer may not operate a vehicle without lights:
  - 1. On an interstate highway.
  - 2. At speeds greater than reasonable and prudent under existing weather, road or traffic conditions.
  - 3. Faster than the posted speed limit.
  - 4. In situations where the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN 609.487.
  - 5. Contrary to the elements of MN Statutes § 169.154.

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- B. Responsibility – It shall be the responsibility of every officer to be thoroughly familiar with and follow exactly the procedures outlined and statutes referenced in this directive at any time while employed with the LLTPD.

<b>DIRECTIVE 901</b>	<b>Canine Operations</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To provide guidelines for the care and use in field operations of the LLTPD's canine team(s).

**II. POLICY**

Training law enforcement canines to utilize and enhance a superior sense of smell, hearing, speed and apprehension abilities to provide the LLTPD a valuable law enforcement resource. Procedures are necessary for the proper control of canine aggressiveness and specialized capabilities into legally acceptable crime prevention and control activities. It is the directive of the Leech Lake Tribal Police Department that officer-canine teams will be deployed to assist department operations and enhance public safety. Officers must bear in mind that the use of canine units may constitute the use of force or implied threat of force. Further, officers assigned to a canine team will operate in a manner consistent with applicable laws and governing directives and will carry out all duties in a manner consistent with the agency's commitment to preserve every individual's life, dignity, and civil rights.

**III. SCOPE**

This directive applies to all sworn law enforcement officers, and conservation officers, and any other member of the Leech Lake Tribal Police Department assigned to canine operations while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. DEFINITIONS**

- A. *Police Canine*: Also referred to simply as canine or K-9. A *Canis familiaris*, commonly known as a dog, trained and certified for police work, and assigned to perform police canine duties by the Chief of Police.
- B. *Canine Handler*: Also referred to as Canine officer. The sworn police or conservation officer trained and certified to handle police canines, and assigned to those duties by the Chief of Police.
- C. *Canine Team*: The combined work team consisting of a certified police canine and a certified canine handler.

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- D. *Canine Unit*: A work team comprised of one or more canine teams.

### **V. PROCEDURE**

#### A. Canine Team Utilization

1. Canine teams are available on a 24-hour, on-call basis to conduct building searches for suspects in hiding, assist in the arrest or prevent the escape of serious or violent suspects, protect officers or others from death or serious injury; track suspects or missing persons, locate hidden instrumentalities or evidence of a crime, detect the presence of concealed narcotics or explosives and other assignments not listed here with the approval of the shift supervisor. If no supervisor is on duty, officers shall use their discretion in requesting the utilization of the K9 team.
2. Canine teams should not be used to respond to minor complaints.
3. Canine handlers must determine if a situation justifies canine use and the appropriate tactical measures that should be taken. If the on-scene supervisor or sergeant disagrees with the handler's tactical assessment, the canine unit supervisor, shift sergeant, or chief of police, shall be notified. When time does not permit such notification, the directions of the supervisor shall be followed.
4. Police canines should not be handled or given commands by anyone other than the assigned handler. If the assigned handler becomes injured or otherwise unable to command the canine, another canine handler shall be contacted for emergency assistance.
5. Officers may request a supervisor to authorize canine team assistance. Personnel shall forward information about the incident to the canine unit supervisor, a sergeant or Chief of Police or an available canine handler.

#### B. Unit Qualifications and Training

1. Canine handlers are required to have:
  - a) At least three years of uniformed patrol experience with satisfactory work performance with acceptable disciplinary history and medical leave records. The Chief of Police will determine if an individual meets these standards.

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- b) A willingness to remain with the canine unit for at least five years.
  - c) A willingness (together with other family members) to care for and house the canine at the officer's residence with a secure outdoor area for the canine that conforms with departmental requirements.
  - d) A strong desire to work with canines and willingness to care for and train the animal.
  - e) The ability to pass designated physical fitness and agility tests related to canine handling.
2. The Chief of Police shall be responsible for the selection of canine handlers in accordance with established departmental procedures.
  3. All departmental canines must meet established certification requirements. Untrained canines may not be used for canine duty.
  4. Canine handlers must successfully complete a canine training course approved by the Chief of Police.
  5. Canine handlers are required to demonstrate their abilities as prescribed in departmental regulations.
- C. Use of Force and Injuries
1. Use of Force – Use of specially-trained police canines for law enforcement duties may constitute a real or implied use of force. Canine teams may only use that degree of force reasonably necessary to apprehend or secure a suspect as governed by the LLTPD's Use of Force directive. In all instances where a canine is deployed in a tactical situation, a canine incident report shall be submitted.
  2. Dog Bites – Whenever a canine bites an individual, whether the bite occurred in the line-of-duty or otherwise, the handler shall:
    - a) Summon a supervisory officer to the scene.
    - b) Examine the affected area to determine the severity of the bite or injury.

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- c) Obtain medical treatment for the person. Medical personnel should examine the affected area irrespective of the perceived severity of the bite or injury.
  - d) Take color photographs of the affected area if possible, prior to and following medical treatment.
  - e) Complete a Use of Force Report whenever a canine is alleged to have bitten or otherwise injured an individual. The report must detail the circumstances surrounding the incident, the identity of the individual(s) involved and any witnesses, the extent of the known or apparent injuries and measures taken in response to the incident. The original report shall be filed in accordance with the LLTPD's Use of Force directive.
- D. Building Searches for Suspects in Hiding – Canines are used for locating suspects in building or related structures where a search by officers would create an unnecessary risk. When conducting building searches, officers should:
- 1. Secure the building's perimeter.
  - 2. Contact the building's owner whenever possible to determine the presence of tenants or others in the building and to ascertain the building's layout.
  - 3. Not conduct a preliminary search when a canine is going to be used to search a building because it will interfere with the canine's ability to distinguish scents.
  - 4. The supervisor and/or officers shall prepare for the canine search by:
    - a) Evacuating all persons lawfully present from the building.
    - b) Request all air conditioning, heating or other air blowing systems to be shut off so as to not interfere with the canine's scenting ability.
  - 5. Upon entrance to the building, secure all exits and limit communications to those required for the search.
  - 6. The canine should be unleashed during a building search unless there is an imminent risk to innocent persons in the building.



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7. Not utilize a canine team to search buildings that contain substances potentially harmful to the officer and/or canine unless overriding risk to human life is present.
  8. Before starting the search, the handler or other appropriate personnel shall loudly announce and repeat verbal warnings that police officers are on the premises and a trained police canine will be released if the suspect(s) does/do not surrender. A reasonable amount of time shall be allowed for the suspect(s) to respond. This warning shall be repeated on each floor of multilevel structures.
  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 officer direction.
  10. Arrestees shall not be transported in the same vehicle with law enforcement canines unless alternative transportation is not available and immediate transport is essential for safety or security reasons, and then only if the prisoner can be safely separated from the canine. Arrested persons may be transported in a K9 vehicle equipped with a partition separating the canine from the prisoner.
- E. Crowd Control
1. Canine teams may be used for crowd control at peaceful demonstrations.
  2. Canine teams may be used for crowd control upon approval of the Chief of Police to protect life or property during a riot or other major unauthorized gathering that cannot be controlled by other means. In these situations, the canine shall:
    - a) Be short-leashed at all times unless no other means are available to protect an individual from serious injury.
    - b) Not initiate any offensive action, unless to guard against imminent loss of life or serious bodily injury.
- F. Drug Detection
1. Use of police canines for drug detection is authorized in the following situations and under the following conditions:

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- a) Records – The Department must maintain records of the use and proficiency of each canine in drug detection and have them readily available for warrant preparation.
  - b) Baggage – Random exploratory sniffing of luggage packages or other inanimate objects may be conducted in public places such as airports, train stations, bus or marine terminals as authorized by a supervisor or other commanding officer.
2. Exploratory sniffing shall be conducted only in those places open to the public and, whenever possible, with advance notice to and consent of the appropriate property manager.
  3. Exploratory sniffing shall be conducted without interference or annoyance to the public or facility operations.
  4. Canine sniffs may be conducted in public places, such as airport or bus station baggage staging areas.
    - a) Officers may detain specific checked luggage or related items for purposes of a canine sniff if reasonable suspicion exists but may not detain the items so long as to interfere with the owner's scheduled travel.
    - b) When a drug detection canine alerts to luggage or related items, a warrant or consent to search must be obtained before it is opened unless exigent circumstances exist to conduct an on-site search.
  5. Canine sniffing of a person is permitted in all circumstances only when there is reasonable suspicion to believe that a person is in possession of illegal narcotics.
  6. The use of drug detection canines in public schools is permitted only when:
    - a) The school's principal or designated authority requests or approves the use of canines.
    - b) The search is limited to inanimate objects in public places and the exterior of student lockers, unless reasonable suspicion exists to search the lockers and related areas.

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7. Canine sniffs of the exterior of residences, either individual dwellings or the common areas of multiple unit dwellings, are not permitted without a search warrant.
  8. Drug sniffing canines may sniff motor vehicles when:
    - a) Reasonable suspicion exists to believe the operator or passengers are in possession of illegal narcotics.
    - b) During a valid vehicle stop, the canine is used to sniff the vehicles exterior in an exploratory manner. Unless the canine alerts to the vehicle, the operator may not be detained longer than necessary to conclude the purpose associated with the initial stop.
- G. Tracking
1. Police canines can be used to track missing persons or suspects, or to locate evidence that officers have reason to believe has been abandoned or hidden in a specific open area.
  2. Officers pursuing suspects who elude officers may request a canine to assist. Prior to summoning a canine team shall:
    - a) Stop and pinpoint the location the suspect was last seen.
    - b) Shut off engines of vehicles in area if possible.
    - c) Avoid vehicle or foot movement in the area where the suspect was last seen.
  3. Canines used for tracking persons shall remain on a leash of sufficient length to provide a reasonable measure of safety to the subjects of the search without compromising the canine's tracking abilities.
  4. Canine teams should not be used to locate small children unless there is a reasonable suspicion of foul play or a belief that serious bodily harm or death will occur if the child is not located immediately. Where the use of canine is necessary, the officer must explain the risk of attack on a child to parents or next of kin and obtain their consent to use a canine.
  5. If no other crime is involved, canine teams should not be used to apprehend anyone with diminished mental capacity or those suspected to be under the use of drugs or alcohol.

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6. On-scene supervisory personnel shall:
  - a) Secure the perimeter of the area to be searched.
  - b) Secure the integrity of the area to be searched by keeping personnel out of the area.
  - c) Protect all items of clothing that will be used for the scent from being handled.

### **VI. CANINE USE AND CARE**

- A. Canines shall not be used for breeding, shows, field trials, exhibitions or other demonstrations or for off-duty employment unless authorized by the Canine Supervisor, Sergeant or Chief of Police.
- B. Canine handlers are personally responsible for the daily care and feeding of their canine including:
  1. Maintenance of kennel and yard area where the canine is housed.
  2. Provisions of food, water and general diet maintenance as approved by the departmentally approved veterinarian.
  3. Grooming on a daily basis or more often as required by weather, working conditions or other factors.
  4. Daily exercise (canines must not run at large).
  5. General medical attention and maintenance of health records.
- C. When the handler cannot perform these duties due to illness, injury or leave:
  1. Another handler may be assigned to temporarily care for the canine.
  2. The canine may be temporarily housed in a departmentally approved kennel.
- D. Teasing, agitating or roughhousing with the canine is prohibited unless performed as part of a training exercise.
- E. Handlers shall not permit anyone person(s) to pet or hug their canine without prior permission. The canine handler must be present. A civilian

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desiring to do so, shall be informed that canines are serious, working dogs and that they can be dangerous if improperly approached.

### **VII. CANINE RETIREMENT OR DISPOSITION**

A handler may apply to take possession of their canine:

- A. When the canine is retired or relieved of duty due to injury.
- B. The handler transfers, promoted or retires and a decision is made not to retrain the canine to another handler.

<b>DIRECTIVE 1001</b>	<b>Uniform Dress Code &amp; Equipment</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide members of the Leech Lake Tribal Police Department with guidelines and rules regarding the uniforms, equipment, and manner of dress required as representatives of the police department and the LLBO.

**II. POLICY**

It is the directive of the LLTPD to maintain a paramilitary and professional behavior, including appearance, in accordance with our agency's duties. All employees will strive to keep their uniforms clean and pressed at all times. Pride in your appearance reflects upon the quality of your work, the LLTPD and the public we serve.

To provide a professional appearance, all employees shall be required to adhere to the uniform dress code herein.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Approval Authority**

1. The Chief of Police is the final approval authority in all matters related to uniforms and personal equipment.
2. Proposed changes to the authorized uniform(s) and equipment items shall be submitted to the Chief of Police for approval.

**B. Uniform Dress**

1. The LLTPD utilizes a Class 'A' and Class 'B' uniform to address the specific needs of assigned uniform duty. These requirements are subject to change as determined by the Command Staff. The Command Staff will designate the 'Uniform of the Day' and

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communicate requirements to affected staff in advance of their scheduled shifts.

2. The Class 'B' uniform is the authorized uniform of the day unless otherwise directed by the Command Staff. The Class 'A' uniform may be worn routinely, even when it is not required.
  3. The Class 'A' uniform will be worn at all special ceremonies or functions where a large contingent of LLTPD officers will be present. Special Orders or other communication from the Command Staff will be issued when the Class 'A' uniform is required. The Command Staff will determine whether the long sleeve or short sleeve Class 'A' uniform will be worn for the specific event.
  4. The department-issued badge, metal name tag and shoulder patches shall be worn on all uniform shirts.
  5. The uniform jacket and/or raincoat may be worn with the Class 'B' uniform and the Class 'A' uniform when appropriate for conditions.
- C. Current Class 'A' and Class 'B' Uniforms – Seasonal Requirements
1. Class 'A'
    - a) Class 'A' winter dress uniform shall be worn during the period beginning October 1 and concluding March 31, during special ceremonies, court appearances or as required by Command Staff. Class 'A' winter dress uniform is the LLTPD issued long sleeve uniform shirt buttoned at the wrist, worn with a necktie and/or mock turtleneck. Class 'A' trousers are LLTPD issued with French blue vertical stripe.
    - b) Class 'A' summer dress uniform will be worn during the period starting April 1 and concluding September 30, during special ceremonies, court appearances or as required by Command Staff. Class 'A' summer dress uniform is the LLTPD issued short sleeve uniform shirt unbuttoned at the neck. Class 'A' trousers are LLTPD issued with French blue vertical stripe.
  2. Class 'B'
    - a) Class 'B' winter dress uniform shall be worn during the period beginning October 1 and concluding March 31, as authorized for

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typical work days. Class 'B' winter dress uniform is the LLTPD issued long sleeve uniform shirt buttoned at the wrist, worn with a necktie and/or mock turtleneck. Class 'B' trousers are LLTPD issued with BDU style pants.

b) Class 'B' summer dress uniform will be worn during the period beginning April 1 and concluding September 30, as authorized for typical work days. Class 'B' summer dress uniform is the LLTPD issued short sleeve uniform shirt unbuttoned at the neck. Class 'B' trousers are LLTPD issued BDU style pants.

3. The Chief of Police may modify the uniform periods.

### D. Current Approved Uniform List

1. Shirt shall be LLTPD issued, French blue.
2. Class 'A' short sleeve shirt must be worn with a crew neck t-shirt. Sweaters shall not be worn.
3. Class 'A' long sleeve shirt can be worn with the necktie and tie bar, turtleneck or the uniform sweater.
4. Class 'B' short sleeve shirt must be worn with a crew neck t-shirt. Sweaters shall not be worn.
5. Class 'B' long sleeve shirt can be worn with the necktie and tie bar, turtleneck or the uniform sweater.
6. Pants shall be LLTPD issued.
  - a) Class 'A' uniform pants shall be navy blue with French blue vertical stripe.
  - b) Class 'B' uniform pants shall be black BDU style with cargo pockets.
7. Jacket shall be black or navy, waist length, leather or Gore-Tex material with shoulder patches.
8. Necktie shall be the four-in-hand style or cravat style and navy blue.
9. Shoes or Boots shall be black leather/simulated leather with plain round toes. Boots may be constructed of a combination of nylon and



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leather. Shoes and boots shall present a business-like appearance. Shoes and boots are to be shined as needed. The following footwear is prohibited; cloth, running, athletic and cross training style shoes. Western, Wellington and “engineer” style pull-on boots or shoes and boots with buckles, straps and buttons are also prohibited.

10. Socks worn with low-cut shoes shall be black or dark blue.
11. Belt shall be black (leather or Velcro) and of sufficient width to adequately support a leather gun belt.
12. Caps shall be approved by the Command Staff.

### E. Nametags

1. LLTPD issued metal nametags shall be worn by each on-duty uniformed officer on the uniform shirt or optional sweater.
2. Officers shall also wear LLTPD issued metal nametags on the uniform jacket.
  - a) In situations when the officer may remove the outermost layer of their uniform, the officer shall wear such nametag or identification device on any underlying layer of his/her uniform.
  - b) The outermost layer of the uniform must also clearly identify the name of the officer’s law enforcement agency (in most instances, this fulfilled by the Department’s shoulder patch).
  - c) Officers shall not obscure or alter the nametag or identification device.
  - d) The nametag or identification device (if not LLTPD issued) shall be in legible print and shall include the officer’s first initial and last name. Complete first names may be included as an option to the first initial.
  - e) The nametag requirement applies to officers working on duty or in an off-duty capacity while in the regulation LLTPD uniform.

### F. Badges

1. Chief of Police – will be issued two numbered badges. Badge number 401.

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2. Assistant Chief of Police – will be issued two numbered badges. Badge number 402.
  3. Sergeants – will be issued two numbered badges. Badge numbers, 403 through 405 (badge number does not signify seniority).
  4. Investigators - will be issued two numbered badges. Badge numbers, 406 through 409 (badge number does not signify seniority).
  5. Officers - will be issued two numbered badges. Badge numbers, 410 through 429 (badge number does not signify seniority).
- G. Optional Uniform Items
1. Gloves shall be black in color, unless engaged in an activity requiring a different color (e.g., traffic control). Shot-filled, sand-filled, studded, “Sap,” or “loaded” gloves are prohibited.
  2. Rainwear for patrol and traffic officers shall be full or waist length and black in color and reversible with the safety standard fluorescent yellow.
  3. Sweaters shall be long sleeve, “military type” V-neck sweaters with shoulder patches and epaulets.
  4. Turtle Necks shall be long sleeve, navy blue or black in color.
  5. Winter Caps shall be navy blue, mouton fur trooper cap or black knit “watch” cap. The mouton fur trooper cap or the black knit “watch” may be worn as weather dictates.
- H. Uniform Accessories - Emblems/Insignias: Uniformed officers may wear emblems or insignias which display instructor or specialized position (i.e., “FTO” “K9”) status.
- I. Insignia of Rank - Collar Brass
1. Chief of Police – Shall wear “Chief” or four metal, gold-colored stars on each collar of the uniform shirt and/or jacket.
  2. Assistant Chief of Police – Shall wear “Deputy Chief” or three metal, gold-colored stars on each collar of the uniform shirt and/or jacket.

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3. Sergeants – Shall wear three chevrons on each collar of the uniform shirt and/or jacket.
  4. Officers – Shall wear “LLPD” collar insignia on each collar of the uniform shirt and/or jacket.
- J. Investigators
1. Typical Work Day dress:
    - a) Criminal Investigators may dress in civilian clothes and/or LLTPD issued polo shirt with Department insignia and shall keep himself/herself neat and clean. The general appearance shall be business-like and always presentable when in public.
    - b) Domestic Violence/Sexual Assault Investigators may dress in civilian clothes and/or LLTPD issued polo shirt with insignia and shall keep himself/herself neat and clean. The general appearance shall be business-like and always presentable when in public.
    - c) Narcotics Investigators may dress in civilian clothes and/or LLTPD issued polo shirt with Department insignia.
  2. Public Appearances – Whenever Investigators are in the public view or appear before any official body, they shall dress in a professional manner.
    - a) Button down shirt with neck ties shall be worn; a suit jacket is not required.
    - b) Investigators shall keep their hair cut in a conservative manner. Male investigators may wear a trimmed mustache that does not extend below the corners of the mouth. No handle bar or other exotic mustache will be allowed (Upon approval from the Chief of Police, officers assigned to special details may be exempted from this directive).
    - c) Investigators will be required to carry their firearms and handcuffs whenever on duty, unless prior approval from the Chief of Police is given (If the weapon is exposed, the officer’s badge must also be exposed/visible).

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- d) Investigators must carry hand held radios when away from the office or an agency vehicle unless the nature of the investigation prohibits it.
- 3. Court Dress – Whenever investigators must appear in court the appropriate attire shall be suit/tie with dress slacks for males and appropriate business-like attire for females.
- K. Required Equipment Items
  - 1. Protective Vests (Body Armor)
    - a) The LLTPD will provide the employee with body armor of threat level II or IIIA.
    - b) Officers may wear the protective vest in a concealable carrier under the uniform shirt or may wear the protective vest in an external carrier which resembles the Department issued uniform.
    - c) Protective vests shall be worn:
      - (1) In uniformed assignments routinely engaged in field contacts and duties.
      - (2) If involved in a pre-planned operation where it has been determined that an individual involved may use a firearm or other weapon.
      - (3) When directed by a supervisor.
    - d) Exceptions
      - (1) Medical Necessity: A person requesting an exemption for medical reasons shall obtain a detailed written justification from their physician describing the condition and stating why the condition prohibits the wearing of the vest. The employee shall submit a memorandum with the required documentation to the Chief of Police. The exemption is not granted until the member receives approval from the Chief.
      - (2) Tactical vests will only be worn for certain situations such as warrant services and high risk situations.

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2. All leather gear shall be black with a basket-weave pattern. Plain or patent leather is prohibited.
  3. Gun belts shall be of the Sam Browne type. It shall be not less than two inches wide or more than 2.25 (two and one quarter inches) wide and must be a basket-weave leather, heavy enough to carry equipment without sagging. A separate belt may be worn to support the trousers.
  4. Holsters shall be either level II or Level III Models accepting weapon mounted lights are acceptable.
  5. Magazine cases shall be fashioned into two compartments capable of holding two additional magazines for semi-automatic handguns.
  6. Flashlights for uniformed officers shall be a spotlight type requiring a minimum of two-cells.
  7. Handcuffs and keys shall be carried by all police officers and conservation officers.
  8. Traffic Safety Vest – Officers shall wear a reflective traffic safety vest in the following situations:
    - a) When assigned traffic control responsibilities at a designated location. The Federal Highway Administration guidelines adopted by Minnesota require law enforcement officers to wear high visibility vests while on foot upon public roadways while investigating crashes or handling lane closures.
    - b) When employed off-duty with traffic control responsibilities.
    - c) When directed to do so by a supervisor or incident commander.
    - d) Officers are encouraged to wear the safety vest in other hazardous situations (collisions, spills, etc.) when they feel at risk.
- L. Optional Equipment Items
1. Expandable batons may be carried by all police officers.
  2. Aerosol subject restraints may be carried by all police officers meeting the training requirements of Directive 101, Use of Force.

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- a) Individual officers shall have the responsibility of obtaining a replacement device when the contents are depleted.
  - b) Uniformed officers who carry a chemical restraint device shall use an appropriate carrier on their gun belt.
  - c) Officers may only carry LLTPD issued or approved privately-purchased products that meet the following criteria:
    - (1) Unaltered dispensers containing not more than 4oz. of the chemical formulation currently issued by the LLTPD.
    - (2) For non-uniformed use, officers may purchase an aerosol subject restraint device of the same or smaller size which is made by the same manufacturer and contains the same formulation as the issued product.
  - 3. Electronic Control Device (ECD: Department members authorized to carry ECD's and who meet the training requirements of LLTPD Directive 101 governing Use of Force may carry the currently authorized or issued ECD in the manner specified by Directive 101.
- M. Training Dress: All training dress is at the discretion of the Chief of Police, as set forth by the requirements of the training announcement and/or training facility. The following are general guidelines:
- 1. Departmental Training: Officers may wear trousers, slacks, khakis, jeans, LLTPD issued pullovers, sweatshirts and/or polo shirts.
    - a) Worn, faded and/or torn pants are strictly prohibited.
    - b) Shirts which may be construed as rude or offensive are prohibited.
  - 2. Local Training: Officers may wear trousers, slacks, khakis, jeans, LLTPD issued pullovers, sweatshirts and/or polo shirts.
    - a) Worn, faded and/or torn pants are strictly prohibited.
    - b) Shirts which may be construed as rude or offensive are prohibited.
  - 3. Out-of-Area Training: Officers may wear trousers, slacks, khakis, jeans, LLTPD issued pullovers, sweatshirts and/or polo shirts.

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- a) Worn, faded and/or torn pants are strictly prohibited.
- b) Shirts which may be construed as rude or offensive are prohibited.

### N. Personal Appearance and Prohibited Uniform Items

1. Uniformed patrol officers are expected to keep their hair neatly trimmed above the edge of their shirt collar. The Chief of Police may authorize longer hair to accommodate cultural or religious beliefs. A mustache, goatee and/or full beard will be permitted if it is kept neatly trimmed.
2. Officers shall be neat and clean in their appearance at all times. LLTPD issued uniforms will always be kept as neatly as possible.
3. Non-uniformed and/or non-sworn personnel shall always be dressed in good taste in keeping with the standards established by the Chief of Police.
4. Leather accessories must be kept dyed and clean with metal parts shined.
5. The duty issued weapons and handcuffs shall be kept clean and serviceable.
6. Items of official uniform or equipment shall have all departmental insignia or identifiable markings removed at the end of their service life, and before they are disposed of or used for off-duty wear.

<b>DIRECTIVE 1002</b>	<b>Body Armor</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide law enforcement officers with guidelines for the proper use and care of body armor.

**II. POLICY**

It is the directive of the LLTPD to maximize officer safety through the use of body armor in conjunction with the practice of prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for sound, basic safety procedures.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department authorized or required to wear body armor while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Issuance of Body Armor**

1. All body armor issued shall comply with the current minimum protective standards prescribed by the National Institute of Justice.
2. All law enforcement officers shall be issued body armor.
3. Body armor that is worn or damaged shall be replaced by the agency.
4. The officer shall pay for body armor that must be replaced due to misuse or abuse by the officer.

**B. Use of Body Armor**

1. Body Armor shall be worn during recruit and field training.
2. Law enforcement officers that are assigned to uniformed functions and non-uniformed sworn officers are required to wear the issued body armor while engaged in field activities while on or off-duty unless exempted as follows:



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- a) An agency approved physician determines that an officer has a medical condition that would preclude use of body armor.
- b) Performing undercover or plainclothes work that the officer's supervisor determines would be compromised by use of the body armor.
- c) The officer is assigned to perform administrative functions.
- d) The Department determines that circumstances make it inappropriate to mandate body armor.
- e) Officers shall wear only agency approved body armor.

### C. Inspection of Body Armor

1. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this directive. Supervisors shall inspect each officer's body armor annually to evaluate fit, cleanliness, damage, wear, and any signs of abuse. Supervisors will document this inspection and their findings.
2. The individuals responsible for the uniform supply function through a certified laboratory shall do random testing of departmental body armor periodically.

### D. Care and Maintenance of Body Armor

1. Each officer is responsible for the proper storage of body armor in accordance with the vest manufacturer's instructions and should conduct a daily inspection for signs of damage and general cleanliness.
2. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning his/her body armor in accordance with the manufacturer's instructions.
3. Officers are responsible for reporting any damage or wear to the ballistic panels or cover to the individual responsible for the uniform supply function.

### E. Training - Keeping apprised of technological advances in the body armor industry necessitating a change in the use, care, maintenance or replacement of the department's body armor, is the responsibility of the

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individual assigned to the uniform supply function. This individual is responsible to forward any applicable information to the Chief of Police for dissemination to department personnel. Items of particular note include:

- a) A description of departmental weapons and ammunition currently in use, and if issued body armor can withstand their impact is the responsibility of the individual assigned uniform supply function.
- b) Training programs that inform the officers about body armor and emphasize its safe and proper use is the responsibility of the individual assigned uniform supply function.
- c) Statistics on incidents where armor has or has not protected officers from harm, including traffic accidents is the responsibility of the individual assigned uniform supply function.

<b>DIRECTIVE 1003</b>	<b>Squad Car Video</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The Leech Lake Police Department has equipped law enforcement personnel with In Car Camera (ICC) systems. The primary purpose of using ICCs is to capture evidence arising from police-citizen encounters. In addition, this directive provides members of The Leech Lake Police Department with guidelines for the use, management, access, storage, retrieval, and retention of audio visual media recorded by ICC systems. While this technology allows for the collection of valuable information, it raises many questions about balancing public demands for accountability and transparency with the privacy concerns of those persons being recorded. In deciding what to record, this directive also reflects a balance between the desire to establish exacting and detail requirements and the reality that officers must attend to their primary duties and safety of all concerned, often in circumstances that are tense, uncertain, and rapidly evolving.

**II. POLICY**

The use of ICC systems provides documentation of law enforcement interaction with the public by providing evidence for the judicial system, internal review, or review by the public through formal request by agency specific method. The primary function of the media recorded is for officer safety and not to initiate disciplinary action against the officer, but the data collected on the camera system may be used as evidence relating to a complaint of misconduct made against an officer by any person present at the scene of the incident when such complaint could result in additional training, counseling, or disciplinary action.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department assigned to operate, maintain, review, or support ICC equipment while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. DEFINITIONS**

- A. *Activate*: Any process that causes the ICC system to transmit or store audio-visual signals.
- B. *Audio Recording*: Any media that capture and records audio signals.

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- C. *In Car Camera (ICC):* Any system that captures audio visual signals and that is capable of installation in vehicles, that includes at a minimum, a camera, microphone, and recorder.
- D. *Law Enforcement Operator (LEO):* Primarily a licensed peace officer including all uniformed patrol officers, Field Training Officers, narcotics investigators, general crime investigators, School Resource Officers, Conservation Officers, Conservation Cadet's, Community Service Officers, and may include non-licensed representatives of The Leech Lake Police Department who are authorized, trained, and assigned to operate ICC equipment.
- E. *MGDPA:* The Minnesota Government Data Practices Act, Minnesota Statutes Chapter §13.01, et seq.
- F. *ICC Administrator:* A sergeant/supervisor who assigns, tracks and maintains ICC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor, and prepares for the biannual audit controls user rights and access, also tasked with training officers with the proper use of ICCs.
- G. *ICC Technician:* Personnel certified or trained in the operational use and repair of ICCs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures. Responsibilities include; reproduction of recorded data and maintain dissemination records regarding disclosure of data in accordance with Minnesota Statutes §13.82 and §13.825. Maintain an inventory of ICC data on reference server and purged in accordance with data retention directive (complies with Minnesota Statute §13.817 Retention of Data and §13.825 Recording Device) for the ICCs.
- H. *Official duties:* For the purposes of this directive, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.
- I. *Property and Evidence Technician:* Personnel certified or trained in receiving and storing evidence and property, maintaining property inventory reports with proper “chain of custody” notation including any and all action associated with the property or evidence.

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- J. *Recorded Media:* Audio-visual signals that are recorded or stored on the ICC and Server.
- K. *Smart Device:* A smart device is a device that is digital, active, computer networked, is user reconfigurable and that can operate to some extent autonomously. Devices that fall into this category are Smartphones and tablets.
- L. *Unintentional recorded footage:* Is a video recording which results from an officer's inadvertence or neglect in operating the officer's ICC, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to: recordings during a vehicle check and recordings made while officers are engaged in conversations of a non-business, personal nature with the expectation that the conversation was not to be recorded.

### **V. PROCEDURE**

- A. All ICC systems will be used in accordance to the manufacturer's guidelines, and will be inspected before your shift to maintain operability.
- B. General Use
  - 1. As the primary purpose is the documentation of evidence, officers shall record all significant police activity. As the cameras are set to record on activation of emergency lighting, this will generally be automatic. Officers shall ensure that the ICC system in the police vehicle they operate is recording the following incidents:
    - a) All traffic stops
    - b) All vehicle pursuits.
    - c) All emergency vehicle operations.
    - d) Any other incidents where video may be of value.
  - 2. Once recording begins, officers shall continue recording until the incident concludes. The conclusion is when no further police action is likely to occur and no further interaction between the officers and involved persons is expected.
  - 3. Officers are not required to stop recording at the subject's request, however the officer may discontinue recording at his/her own

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discretion. Officers must be able to articulate a sound reason for turning the recorder off prior to the conclusion of any incident where video is required by this directive.

4. Officers shall inform those who ask that a camera is in operation and they may be recorded.
  5. Audio/Visual/Digital recordings generated in the course of an officer's duties are the exclusive property of the LLTPD and will not be available for any use except as provided in this directive.
  6. No officer shall rewind, erase, reuse or otherwise tamper with recorded audio/visual media except in accordance with the provisions of this directive.
  7. When an incident has been recorded, officers shall document the existence of the recording in the incident report.
  8. The officer shall retain a log indicating significant incidents recorded on the audio/video media. The officer shall develop a referencing system to match audio/video media and the logs.
- C. Custody, Control and Re-Use of Videotapes/SD-Cards
1. Every audio/visual media must be adequately labeled with the following information:
    - a) The name and badge number of the officer recording the audio/visual media.
    - b) The date the audio/visual media was first used by the officer.
    - c) When filled, the date of the last recorded incident.
    - d) A reference designator matching the audio/visual media to an audio/visual media log to be kept by the officer.
  2. The officer is responsible for the safekeeping of the audio/visual media. The officer shall install the audio/visual storage media at the start of the shift and remove the audio/visual media at the conclusion. Officers shall use an audio/visual storage media until it is filled to its capacity. The audio/visual storage media is considered original evidence. Copies of specific portions may be made for

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distribution to the prosecuting authority, but the officer shall retain the original until the storage media is filled.

3. Audio/visual storage media that are filled to capacity and contains no recording of an incident requiring retention as evidence may not be reused, discarded, erased, or recorded over until at least 90 calendar days after the recording of the last incident recorded. Recorded audio/visual storage media having value other than evidentiary may be held longer than 90 days before reuse with consent of a supervisor.
4. When audio/visual storage media contains a record of an arrest or other significant incident, the media constitutes evidence and the legal rules and Department directives regarding the custody of evidence apply. The officer in charge of the audio/visual storage media must maintain a proper chain of custody for the recorded evidence.
  - a) The investigating officer shall retain all original audio/visual storage media unless the prosecuting attorney requests possession. Generally, a copy of the specific incident should be sufficient.
  - b) Audio/visual storage media shall be retained for 90 calendar days after they are no longer needed as evidence, then re-used with supervisor's approval, subject to the agency's data retention schedule.
  - c) The prosecuting attorney may request audio/visual media be held longer if continuing judicial review (appeal) is likely.
  - d) If the audio/visual storage media is requested by another law enforcement agency for investigative purposes, a copy of the specific incident shall be provided.
  - e) Audio/Visual recordings are government data and as such their use is controlled by the MN Data Practices Act, Section 13.82, "Comprehensive Law Enforcement Data."

### D. Access to ICC Data

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1. All recording media, recorded images and audio recordings are the property of the Agency and Leech Lake Band of Ojibwe. Dissemination outside of the Agency, or Leech Lake Band of Ojibwe, is strictly prohibited except to the extent permitted or required under Minnesota Law, and Government Data Practices Chapter 13.
  2. Access to ICC data will be determined in a manner consistent with the Agency and Leech Lake Band of Ojibwe, or other applicable law.
  3. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department ICC supervisor. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.
  4. Copies of audio/visual media or copied portions containing specific incidents shall be provided to prosecutors at their request at no charge.
  5. Upon approval by the Chief of Police, persons authorized to receive copies of an audio/visual media incident under the Data Practices Act, may be given a copy of the recorded incident. A fee covering the cost of the audio/visual media and a reasonable charge for the time required to make the copy will be determined and assessed.
  6. Copies of audio/visual media or specific recorded incidents shall not be released to any person if they are part of an on-going investigation, except under subpoena or directive of the prosecuting attorney.
- E. Supervisor Responsibilities
1. At least once per month, supervisors will randomly review ICC recordings made by each officer they supervise to ensure the equipment is operating properly and officers are using the device properly in accordance with this directive and to identify any performance areas in which additional training and guidance is required. Supervisors shall document the date of their review and the name of each officer whose video footage was reviewed. Sergeants and commanders will submit documentation of their review to their respective command level supervisor. Any noted non-



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compliance with the departmental directive pertaining ICC use shall also be reported to the Chief of Police.

2. At reasonable intervals, supervisors should validate that:
    - a) ICC directives and procedures are followed
    - b) Logs reflect the proper chain of custody at property
    - c) Will create a “Special Detail ICR” on a quarterly basis and review four recordings to assure subordinates are recording and labeling as required per this directive. These findings will be forwarded to the next LEO on the Chain of Command.
  3. When an incident arises requiring the immediate retrieval of the recorded media (e.g., serious crime scenes, LEO-involved shootings, department-involved collisions), a supervisor should respond to the scene and ensure recorded media is secured in accordance with department directive. The media shall be processed and retained in accordance with current procedures for recorded media.
- F. Classification of ICC Data – Nothing in this directive shall be interpreted as changing the underlying classification of data collected by the ICC systems. The classification of data collected by the ICC systems will need to be determined on a case basis. The factors that will determine the classification include the specific facts and circumstances surrounding the data, the application of the relevant directives and procedures as well as application and interpretation of the MGDPA and other laws.
- G. Restrictions on Release of Data – No employee of the LLTPD may release, sell, or use for any purpose not authorized by this directive, an original, a copy, or any portion thereof, of any audio/visual media or specific recorded incident.

<b>DIRECTIVE 1004</b>	<b>Body Worn Cameras</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The Leech Lake Police Department has equipped law enforcement personnel with Body Worn Camera (BWC) systems. The primary purpose of using BWCs is to capture evidence arising from police-citizen encounters. In addition, this directive provides members of The Leech Lake Police Department with guidelines for the use, management, access, storage, retrieval, and retention of audio visual media recorded by BWC systems. While this technology allows for the collection of valuable information, it raises many questions about balancing public demands for accountability and transparency with the privacy concerns of those persons being recorded. In deciding what to record, this directive also reflects a balance between the desire to establish exacting and detail requirements and the reality that officers must attend to their primary duties and safety of all concerned, often in circumstances that are tense, uncertain, and rapidly evolving.

**II. POLICY**

It is the directive of The Leech Lake Police Department to authorize and require the use of department issued BWCs as set forth below, as required by Minnesota Statute § 626.8473, Subd. 3 and to administer the resulting data as provided by law. The primary purpose of using the BWCs is to capture evidence and accurately document police-citizen encounters.

**III. SCOPE**

This directive governs the use of BWCs by members of The Leech Lake Police Department in the course of their official duties. The chief or chief's designee(s) may supersede this directive by providing specific instructions for BWCs use to individual officers, or providing specific instructions pertaining to particular events or classes of events, including but not limited to: political rallies and demonstrations. This directive does not govern the use or surreptitious recording devices used in investigative or undercover operations.

**IV. DEFINITIONS**

- A. *Activate*: Any process that causes the BWC system to transmit or store audio-visual signals.
- B. *Audio Recording*: Any media that capture and records audio signals.

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- C. *Body Worn Camera (BWC):* A video recording system, defined in Minnesota Statute § 13.825, Subd. 1(b)(1), that is typically utilized by Law Enforcement to record their interactions with the public or gather video footage at crime scenes.
- D. *Law Enforcement Operator (LEO):* Primarily a licensed peace officer including all uniformed patrol officers, Field Training Officers, narcotics investigators, general crime investigators, School Resource Officers, Conservation Officers, Conservation Cadet's, Community Service Officers, and may include non-licensed representatives of The Leech Lake Police Department who are authorized, trained, and assigned to operate BWC equipment.
- E. *Link camera feature:* Refers to the ability to activate the BWC through a single activation trigger.
- F. *MGDPA:* The Minnesota Government Data Practices Act, Minnesota Statutes Chapter §13.01, et seq.
- G. *BWC Administrator:* A sergeant/supervisor who assigns, tracks and maintains BWC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor, and prepares for the biannual audit controls user rights and access, also tasked with training officers with the proper use of BWCs.
- H. *BWC Technician:* Personnel certified or trained in the operational use and repair of BWCs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures. Responsibilities include; reproduction of recorded data and maintain dissemination records regarding disclosure of data in accordance with Minnesota Statutes §13.82 and §13.825. Maintain an inventory of BWC data on reference server and purged in accordance with data retention directive (complies with Minnesota Statute §13.817 Retention of Data and §13.825 Recording Device) for the BWCs.
- I. *Official duties:* For the purposes of this directive, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.

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- J. *Property and Evidence Technician:* Personnel certified or trained in receiving and storing evidence and property, maintaining property inventory reports with proper “chain of custody” notation including any and all action associated with the property or evidence.
- K. *Recorded Media:* Audio-visual signals that are recorded or stored on the BWC and Server.
- L. *Smart Device:* A smart device is a device that is digital, active, computer networked, is user reconfigurable and that can operate to some extent autonomously. Devices that fall into this category are Smartphones and tablets.
- M. *Unintentional recorded footage:* Is a video recording which results from an officer’s inadvertence or neglect in operating the officer’s BWC, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to: recordings during a vehicle check, recordings made in locker rooms, restrooms, and recordings made while officers are engaged in conversations of a non-business, personal nature with the expectation that the conversation was not to be recorded.

### **V. PROCEDURE**

- A. BWC Operational Objectives – The Leech Lake Police Department has adopted the use of BWCs to accomplish the following objectives:
  - 1. To document statements and events during the course of an incident.
  - 2. To enhance the LEO’s ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
  - 3. To preserve visual and audio information for use in current and future investigations.
  - 4. To provide a tool for self-critique and field evaluation during LEO training.
  - 5. To enhance the public trust by preserving factual representations of LEO-citizen interactions in the form of recorded media.

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6. To assist with the defense of civil actions against LEO's and the Leech Lake Reservation.
- B. LEO Responsibilities – LEO safety shall be the primary consideration for the use and activation of the BWC system. LEO's that are issued a BWC will wear the BWC as part of their uniform in the manner specified at the time of training. Inspection and general maintenance of BWC equipment shall be the responsibility of the LEO to whom the BWC is assigned. LEO's should periodically test the BWC system operation in accordance with manufacturer specification and department operating procedures and training, at the discretion of The Leech Lake Police Department. If the BWC is malfunctioning, the LEO shall as soon as reasonably possible notify a supervisor. If any BWC system is damaged or stolen, the LEO shall, as soon as reasonably possible, notify a supervisor. The LEO will download data within the following timelines:
1. Immediately after a critical incident or use of force incidents.
  2. Immediately for pending follow ups or active investigations.
  3. Immediately upon requests of the supervisor.
  4. Prior to end of an ending shift rotation.
- C. Extra-duty employment -- The LEO's that are issued a BWC will wear the BWC as part of their uniform while engaging in extra-duty employment. Due to the unique demands of some extra-duty jobs a LEO wearing a BWC while engaged in extra-duty employment is not required to activate the BWC for every contact made. However, such officer shall be expected to activate the BWC if a situation or incident occurs which would otherwise require activation, when safe to do so. The BWC shall not be worn while LEO's are engaged in outside agency employment or non-duty employment.
- D. BWC Operating Procedures – The BWC may be activated either automatically or manually by the LEO.
- E. Required Activation of the BWC – This directive is not intended to describe every possible situation in which the BWC system may be used, although there are many situations where its use is appropriate. A LEO may activate the system at any dispatched call, on view or contact in which its use is appropriate. It is not possible to capture images of the

## *Directives of the Leech Lake Tribal Police Department*

incident due to conditions or the location of the camera in some circumstances. However, even when the incident may be outside video range, the LEO is encouraged to activate the BWC to capture the audio portion of the incident. An officer shall activate the BWC system, if practical and without compromising the safety of the officer or the public, in the following circumstances:

1. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops);
2. Priority responses;
3. Vehicle pursuits;
4. Arrests;
5. Vehicle searches;
6. Physical or verbal confrontations;
7. Use of force;
8. Prisoner transports;
9. Crimes in progress;
10. Taking a statement or information for proper purposes; or
11. Any situation or incident that the officer, through training and experience, believes should be audibly and/or visually preserved.
12. Testing of the BWC to ensure adequate functioning of the recording device prior to each shift.

**BWC equipment shall be activated in these circumstances even if the in-squad system is activated, provided it is safe for the officer to do so.**

- F. Cessation of Recording – Once activated, the BWC system shall remain on until the incident has concluded unless:
1. The officer does not reasonably believe that activation will result in the loss of critical evidence;
  2. Deactivation is reasonable and necessary to protect the safety of the officer or others; or

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3. Deactivation is approved or ordered by a supervisor or investigator.
  4. For purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and witnesses and victims have been interviewed. Recording may be temporarily paused to exchange information with other LEO's. Recording may cease during non-enforcement activities such as waiting for a tow truck or a family member to arrive, protecting accident scenes or in other non-enforcement situations.
- G. Advisement about Recording
1. Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.
  2. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
- H. Prohibited Recordings
1. Communications with other LLTPD police personnel without permission of the Chief Law Enforcement Officer (CLEO). This does not apply to officers making recordings as required in section 5 of this directive.
  2. Encounters with undercover officers or confidential informants.
  3. BWCs shall not be utilized for non-work related activities.
  4. BWCs shall not be utilized to record in areas or activities such as pre-shift conferences, department meetings, counseling or coaching sessions with supervisory personnel, locker rooms, break rooms, or other activities not related to criminal investigations.
  5. Officers should not record informal encounters with members of the public.
  6. Patient Privacy – Officers utilizing BWCs shall not record patients during medical or psychological evaluations by a doctor or similar professional during treatment, unless required for evidentiary

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criminal investigation purposes. (e.g., blood draws for investigation purposes) When recording in hospitals and other medical facilities, officers shall avoid recording persons other than suspect(s).

- I. Supervisor Responsibilities
  1. At least once per month, supervisors will randomly review BWC recordings made by each officer they supervise to ensure the equipment is operating properly and officers are using the device properly in accordance with directive and to identify any performance areas in which additional training and guidance is required. Supervisors shall document the date of their review and the name of each officer whose video footage was reviewed. Sergeants and commanders will submit documentation of their review to their respective command level supervisor. Any noted non-compliance with the departmental directive pertaining BWC use shall also be reported to the Chief of Police.
  2. At reasonable intervals, supervisors should validate that:
    - a) BWC directives and procedures are followed
    - b) Logs reflect the proper chain of custody at property
    - c) Will create a "Special Detail ICR" on a quarterly basis and review four recordings to assure subordinates are recording and labeling as required per this directive. These findings will be forwarded to the next LEO on the Chain of Command.
  3. When an incident arises requiring the immediate retrieval of the recorded media (e.g., serious crime scenes, LEO-involved shootings, department-involved collisions), a supervisor should respond to the scene and ensure recorded media is secured in accordance with department directive. The media shall be processed and retained in accordance with current procedures for recorded media.
- J. Classification of BWC Data – Nothing in this directive shall be interpreted as changing the underlying classification of data collected by the BWC systems. The classification of data collected by the BWC systems will need to be determined on a case basis. The factors that will determine the classification include the specific facts and circumstances surrounding



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the data, the application of the relevant directives and procedures as well as application and interpretation of the MGDPA and other laws.

### K. Access to BWC Data

1. All recording media, recorded images and audio recordings are the property of the Agency and Leech Lake Band of Ojibwe. Dissemination outside of the Agency, or Leech Lake Band of Ojibwe, is strictly prohibited except to the extent permitted or required under Minnesota Law, and Government Data Practices Chapter 13.
2. Access to BWC data will be determined in a manner consistent with the Agency and Leech Lake Band of Ojibwe, or other applicable law.
3. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department BWC supervisor. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.
4. Recordings may be reviewed in any of the following situations:
  - a) For use when preparing reports or statements;
  - b) By a supervisor investigating an official complaint;
  - c) By a supervisor to assess LEO performance;
  - d) To assess proper functioning of a BWC system;
  - e) By department investigators assigned to related criminal investigation, or after approval of a supervisor, for official investigations;
  - f) By a LEO who is captured on or referenced in the video or audio data and reviews and uses the data for any propose relating to his/her employment;
  - g) By court personnel through proper process via search warrant, subpoena, court and or for prosecutorial purposes.
  - h) Recordings may be shown for staff or public safety training purposes. If an involved LEO objects to showing a recording, his/her objection will be submitted to the CLEO to determine if

## *Directives of the Leech Lake Tribal Police Department*

the training value outweighs the LEO's objection. During the Field Training Officer Phase of new LEO's, the training officer may review footage with the trainee for training purposes.

- i) An officer is entitled to access audio and video data: derived from BWC equipment issued to him/her; in which his/her voice or image appears; when reasonable and necessary for the officer to perform the essential functions of his/her job; or to defend against allegations of substandard performance or misconduct. Except when the officer is involved in a critical incident resulting in substantial bodily harm, great bodily harm or death, viewing of any prior to giving a statement will be at the discretion of the investigating agency.
- j) An officer shall not make a copy of any audio or video data without the prior approval of a supervisor.
- k) Supervisors shall not access or review audio or video data involving an employee under their supervision for the purpose of surveillance of the employee or initiating disciplinary action against the employee. However, data collected by the BWC may be used as evidence relating to a formal complaint of misconduct made against an officer in accordance with The Leech Lake Tribal Police Department Manual Chapter 11 Professional Conduct-General Conduct of Officers.
- l) The Department shall restrict, by password protection, access to all audio and video data and shall maintain an electronic record of the date, time, and person with regard to each access data.
- m) Officers shall refer members of the media or public seeking access to BWC to The Leech Lake Police Department, "Attention Records." The records department supervisor shall process requests in accordance with the Minnesota Government Data Practice Act Chapter 13 and any other governing laws. In particular:
  - (1) An individual shall be allowed to review recorded BWC data about their selves and other data subjects in the recording, but access shall not be granted:

## *Directives of the Leech Lake Tribal Police Department*

- (a) While the collected or created data is part of an active investigation.
  - (b) To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minnesota Statute §13.82, Subd. 17.
- (2) Unless the data is part of an active investigation, an individual data subject shall be provided a copy of the recording upon request, but subject to the following guidelines on redaction:
  - (a) Data on other individuals in the recording who do not consent to the release must be redacted.
  - (b) Data that would identify undercover officers must be redacted.
  - (c) Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties may not be redacted.
- n) Other authorized disclosures of data- Officers may display portions of BWC footage to witnesses necessary for purposes of investigation as allowed by Minnesota Statute §13.82, Subd. 15, as may be amended from time to time. Officers should generally limit these displays to protect against incidental disclosure could involve; for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio, or playing the audio but not displaying video. In addition:
  - (1) BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.
  - (2) BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.
- o) Employees desiring to view any previously uploaded or archived BWC recording should submit a request in writing to their immediate supervisor.

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- p) In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.
- L. Documenting BWC Use – If any incident is recorded with the video or audio system, the existence of that recording shall be documented in the LEO’s report. If a citation is issued the LEO shall make a notation on the records copy of the citation indicating that the incident was recorded.
- M. Recording Media Storage and Retention – Once submitted for storage, all recorded media will be labeled by referencing the complete ICR number assigned to the incident and stored in a designated secure area. This information will also be referenced in the “Evidence Section” of the Agency records management system. All recorded media that is not booked in as evidence will be retained in compliance with the established records retention schedule or as required by the rules of evidence, unless a specific request is made to store them for a longer period.
- N. Administering Access to BWC
  1. Under Minnesota Law, the following are considered data subjects for the purpose of administering access to BWC data:
    - a) Any person or entity whose image or voice is documented in the data.
    - b) The officer who collected the data.
    - c) Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.
  2. BWC data is presumptively private- BWC recording are classified as private data about the data subjects unless there is a specific law that provides differently, as a result: as is BWC data pertaining to businesses or other entities.
  3. Confidential data- BWC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the “private.”
  4. Public data - Except for data defined in subdivision 2, 3 and 6 of Minnesota Statute §13.82, BWC data is considered criminal investigative data under Minnesota Statute §13.82, Subd. 7. As such,

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all BWC data is considered confidential or protected nonpublic while the investigation is active. Data that is part of an inactive investigation which are clearly offensive to common sensibilities are classified as private or nonpublic, provided that the existence of the data is disclosed to any person requesting access to the investigative data. The following BWC data is public subject to the timeline identified in Data Retention Period.

- a) Any data created that is not part of an active criminal investigation.
- b) Inactive investigative data unless:
  - (1) The release of the data would jeopardize another ongoing investigation.
  - (2) The release of data would reveal the identity of individuals protected under Minnesota Statute §13.82, Subd. 17.

### O. Data Security Safeguards

- 1. BWC data will be uploaded through an approved vendor software platform to a secure server maintained by The Leech Lake Tribal Police Department's approved MIS/vendor.
- 2. Personally-owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency BWC data.
- 3. As required by Minnesota Statute §13.825, Subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its BWC program.

### P. Data Retention Periods for Recorded Media

- 1. All BWC data shall be retained for a minimum of 90 days. There are no exceptions for erroneously recorded or non-evidentiary data.
- 2. Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick or injured, or dangerous, must be maintained for a minimum period of one year.

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3. Certain kinds of BWC data must be retained for one year after disposition:
    - a) Data that documents the use of deadly force by a peace officer, or force of sufficient type or degree that warrants a use of force report or supervisory review.
    - b) Data documenting circumstances that have given rise to a formal complaint against an officer
  4. Subject to part F (below), all other BWC footage is classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.
  5. Upon written request by a BWC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.
- Q. Disposition
1. Records technicians and supervisors/sergeants are responsible for clearing of evidence items.
  2. Evidence may be cleared when:
    - a) Prosecution is complete and the applicable appeal time has lapsed.
    - b) The statute of limitations has expired.
    - c) The complainant has provided a written request to close their case.
  3. The LEO, immediate supervisor, or Chief may prevent automated deletion by changing the category of the media at any time prior to deletion.
  4. Any media related to an internal investigation of a LEO, or from an incident in which a signed complaint is made regarding a LEO, shall be retained for a minimum of one year.

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5. Destruction of data in accordance with this directive does not alter the duty to defend and indemnify set forth in Minnesota Statute §466.07.
- R. System Operational Standards
1. The BWC system shall be configured to minimally record 30 seconds prior to an activation (if system allows it).
  2. LEO's using the digital transmitter that are individually synchronized to their individual BWC shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives on the incident scene.
  3. With the exception of law enforcement radios or other emergency equipment, other electronics devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the BWC system to record audio data.
  4. LEO's shall not intentionally erase, alter, reuse, modify or tamper with BWC recordings. Only a supervisor or investigator may erase and re-issue previously recorded media in accordance with this directive. The officer shall not intentionally block the BWCs audio or visual recording functionality to defeat the purpose of this directive.
  5. Officers who have been issued BWCs shall operate and use them in a manner consistent with this directive. Officers may use only department issued BWCs in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.
- S. Property and Evidence Technician Responsibilities – The property and evidence, is responsible, by records technicians and supervisors:
1. Retrieving, storing, erasing and duplicating of all recorded media.
  2. Collecting all completed media for oversight. Once collected the property and evidence:
    - a) Ensures it is stored in a secured location with authorized controlled access.

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- b) Makes appropriate entries regarding the location of media that has been distributed.
  3. Erasing the media:
    - a) Pursuant to a court order.
    - b) In accordance with established records retention directives.
  4. Ensuring that an adequate supply of recording media is available.
  5. Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.
  6. Will stay abreast of changes in law, directive, and technology and will recommend changes to the BWC directive when applicable.
  7. In case of a system malfunction officers are to notify supervisors as soon as reasonable. Have replacement as soon as possible.
  8. Server will be stored in a secure area. Copies created for investigative purpose only, copies will not be for personal use.
- T. Copying and Releasing Digital Evidence
  1. Digital evidence captured by BWCs shall be treated as official records and handled pursuant to existing department directives procedures and per MGDPA Chapter 13.
  2. To obtain records these requests shall be made to the department records clerk for completion.
  3. Prior to release digital recorded media is subject to MGDPA Chapter 13, and redaction software will be provided by The Leech Lake Tribal Police Department. The records clerk will be responsible for the redaction of digital media and or anyone assigned and has received training.
  4. All requests for release of digital BWC data shall be subject to a fee of \$25.00 per request, or at the discretion of Chief of Police.
- U. Training



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1. Users of the BWC system shall successfully complete training of WATCHGUARD BWC System prior to being deployed in operational settings. This training will be required of all LEO's as described in the definitions section, newly hired field trained officers will be required to receive training as part of the Field Training Officer Manual.
2. It is recommended that the operation of BWC systems by new employees is assessed and reviewed no less than biweekly or until the new employee demonstrates a working knowledge of the BWC system and the applicable directives and procedures.

<b>DIRECTIVE 1005</b>	<b>Preliminary Breath Test Units</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This directive is intended to establish guidelines for the calibration, use and maintenance of Preliminary Breath Test (PBT) units, PBT units approved by the State of Minnesota for roadside screening and used under the authority of Minnesota Statute Sec. 169A.41 Subd. 1.

**II. POLICY**

The purpose of this directive is to set the guidelines for calibration, use and maintenance of the Preliminary Breath Test units.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department who use, maintain or support preliminary breath test units while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Storage of PBT Units: Department PBT's must be stored by the assigned officer in an authorized carrying case.
- B. Calibration of the PBT Units
  1. The Chief shall designate an officer who is a certified calibrator of Lifeloc EZ Calibration Kit for breath alcohol testers/Lifeloc EZ Calibration Station to calibrate the units and to maintain calibration records for each unit by serial number.
  2. The officer assigned to calibrate PBT's shall maintain a calibration logs and affix one to each unit's carrying case. The calibration officer will remove the log for permanent filing when it becomes full.
  3. Officers shall conduct an accuracy check on issued PBTs every two months to the +/- .005 tolerance interval. A copy of the calibration instructions shall be maintained with the units.

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4. Units should be calibrated annually by the designated responsible officer only. If the responsible officer cannot make the required calibration within the designated time frame, that officer shall direct another qualified officer to perform and document the calibrations.
  5. A calibration and accuracy test shall be conducted whenever the PBT falls out of tolerance.
  6. Calibration shall be completed using the PBT simulator solution only. A solution log shall be used record the number of simulator calibrations procedures performed using each solution, ensuring the solution is only used for the recommended maximum of 25 samples or 31 days before replacement.
- C. Administration
1. Officers must be trained in PBT operation prior to using the unit in the field.
  2. Officers shall visually check the PBT to ensure it is at proper working temperature prior to obtaining a subject sample.
  3. Officers must visually check the individual's mouth for any foreign objects. If any objects are in the mouth, the individual must be directed to remove it.
  4. Officers must have the individual under observation for a period of five minutes before giving the PBT.
  5. Officers on suspected DWI stops will complete the Standard Field Sobriety Tests (SFST) to establish cause for the PBT. Cause would include, but is not limited to, an odor of alcoholic beverage, blood-shot watery eyes, slurred speech, admitting to the consumption of alcoholic beverages, poor balance and failure of SFST. The officer does have discretion in this process and shall articulate this in the report.
  6. Officers investigating instances of minor consumption and DWI/DUI Under 21 (per MSS 169A.33) should follow steps a - d, however SFST aren't required. Officers are still to articulate the reasons a PBT performed (e.g., odor of alcoholic beverage, blood-shot watery eyes,

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slurred speech, admitting to the consumption alcoholic beverages or poor balance).

7. PBT results shall be noted in the officer's report.
8. Officers are to use a new mouth piece on the PBT for each person.

### D. Maintenance of PBT Units

1. Officers should remove from service any PBT that fails to operate properly, won't calibrate or maintain calibration, or is damaged. The PBT shall be given to the officer responsible for maintaining PBT's with sufficient detail to describe the failure.
2. The PBT shall be sent to the unit's manufacturer for all repairs or maintenance.
3. Maintenance records for each unit shall be kept by serial number with the filed calibration logs.

<b>DIRECTIVE 1101</b>	<b>General Conduct of Officers</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to establish expected conduct of officers of the LLTPD and supplement those guidelines established in Directives 1102 and 1103 (Personal Conduct of Officers and Conduct Unbecoming an Officer).

**II. POLICY**

Law enforcement effectiveness depends upon respect and confidence from the community. Conduct that detracts from this respect and confidence is detrimental to the public interest is prohibited. The directive of the LLTPD is to investigate circumstances an officer has engaged in unbecoming conduct and impose disciplinary action when appropriate.

**III. SCOPE**

This directive applies to all sworn law enforcement officers holding POST Licensure in Minnesota, including POST-Licensed conservation officers, of the Leech Lake Tribal Police Department.

**IV. PROCEDURE**

- A. Rules and Regulations Governing Conduct – The following regulations will provide a basis for the orderly and disciplined performance of duty. They generally define expectations of personnel of all ranks and assignments specifically.
  - 1. Cooperation – Cooperation within the LLTPD is essential to effective law enforcement. All members are strictly charged with establishing and maintaining a high spirit of cooperation.
  - 2. Conduct Regarding Ranking Officers – Members shall at all times show respect to others and obey officer rank. When dealing with other law enforcement agencies and military personnel, whether it is by correspondence or in person, all members shall use their rank titles properly.

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3. Giving Name and Badge Number – When acting in an official capacity, members of the LLTPD shall give their name and badge number to any person whom requests it.
  4. Conduct Regarding the Public – Members shall be courteous and orderly in their dealings with the public. They shall perform their duties diplomatically, avoiding harsh, violent, profane or insolent language and remain calm regardless of provocation to do otherwise.
  5. Public Support and Cooperation – Public Support and Cooperation is essential if we are to effectively fulfill our responsibilities. Each member of the LLTPD must understand that the foundation for positive work attitude is a desire and willingness to serve the public.
- B. General Guidelines – The following are general guidelines that all LLTPD employees shall follow:
1. An officer/employee shall be courteous, civil and respectful at all times.
  2. An officer/employee shall at all times maintain proper decorum befitting a professional.
  3. An officer shall be pleasant and personal in non-restrictive situations and firm and impersonal in situations calling for regulation and control.
  4. An officer shall endeavor to maintain an even temperament regardless of the situation.
  5. An officer shall refrain from harsh, violent, coarse, profane, sarcastic, insolent or derogatory language, which would demean the inherent dignity of any person.
  6. An officer shall observe, uphold and enforce all laws without bias or regard to race, creed, gender, national origin, economic status, religious affiliation, age or sexual orientation.
- C. Supervisors
1. News Media Relations – An approved supervisory member may (with authorization first from the Chief of Police) extend full cooperation to representatives of the news media provided that the successful

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investigation and/or prosecution will not or is not jeopardized. Any inquiry by the news media should be directed to the Chief of Police. Non-supervisory personnel shall not make statements to the new media unless authorized by the Chief of Police to do so.

2. Acting Supervisors – A member temporarily acting as a supervisor shall be vested with the authority and responsibility of that position as denoted in the position description.
3. Review of Reports – Supervisors shall return any report which contains errors or is incomplete with instructions for necessary correction.

### D. On-Duty Requirements

1. Reporting for Duty – Members of the LLTPD shall be punctual in reporting for duty at the time and place designated by the superior officers. Repeated failure to report promptly at the time directed will be deemed neglect of duty and be dealt with in accordance with the LLBO General Administration Personnel Policies (GAPP). Illness must be reported promptly prior to the time the member is due to report for duty. Once having reported the illness, the member shall keep his/her direct supervisor advised as to their status and expected return to duty.
2. On-Duty Activity – Members shall not loiter at restaurants, service stations or other public places except for the purpose of transacting Department business or to take regular meal breaks. Members shall not loiter in Department offices, except while transacting Department business or devote any of their time on duty time to activities other than those which pertain to official business.
3. Responding to Calls
  - a) Assistance to Other Officers – All members are required to take prompt and appropriate law enforcement action toward aiding a fellow officer exposed to danger or in a situation where danger may be pending. Members shall respond to calls for officer assistance without delay. Emergency calls take priority. All calls should be answered as soon as possible consistent with normal safety.

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- b) Requests for Information and Complaint Calls – Except where circumstances make it necessary for members to report a matter or refer a complaint to a more suitable member or agency, members shall be attentive to take suitable action on reports and complaints. Proper requests for information or assistance shall be fulfilled and members shall aid the person otherwise obtaining the requested information or assistance if the officer is unable to help.
- 4. First Officer at a Crime Scene – The first officer at a crime scene or other police incident is responsible for:
    - a) Summoning medical assistance and the administration of first aid as required preventing further injury or loss of life.
    - b) Arrest any perpetrator.
    - c) Provide security of the scene.
    - d) Any other action that appears to be warranted in the best judgment of the member.
- 5. Maintenance of Communications – Members, while on duty or when officially on call, shall be directly available by normal radio communications or shall keep dispatch informed of how they may be reached when not available by radio.
- 6. Radio Discipline – All members operating the police radio either from a mobile unit or in the office shall strictly observe all regulations for radio operations as set forth in general orders and those by the Federal Communications Commission, and as required by A.R.M.E.R Standards.
- 7. Reporting – Members shall submit reports required in the performance of their duties before the end of their shift.
- 8. Compulsory Firearm Practice and Inspection – Members must attend firearms training and inspection at such times and for such period as directed. Failure to keep a firearm in proper condition or to be reasonably proficient in its use shall be considered a violation of this regulation and will result in progressive discipline in accordance with the Leech Lake Band of Ojibwe General Administration Personnel



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Policies. Officers are required to keep their manuals accurately updated and remain familiar with its contents.

9. Intoxicants/Drugs – No member in uniform shall drink any alcoholic beverages while on duty except when necessary in the performance of duty. Off-duty members shall not drink alcoholic beverages while wearing any identifying part of the uniform. Off-duty members shall not drink alcoholic beverages to the extent it results in the commission of an obnoxious or offensive act. No member will be on duty while impaired or under the influence of alcohol or drugs, have an odor of alcoholic beverages or drugs on their breath when reporting for duty or become unfit for duty as a result of such use. Such use or signs will result in actions in accordance with the LLBO's Drug, Alcohol and Controlled Substances directive. Employees of the LLTPD are prohibited from keeping any alcoholic beverages or drugs (except prescribed by a doctor) in departmental vehicles, lockers, desks and drawers, refrigerators or storage bins unless such beverages are evidence being prepared for proper inventory.
10. Physical Fitness – Officers shall maintain good physical condition to ensure their ability to handle all situations.
11. Civil Disputes – Members shall avoid entering into civil disputes while performing law enforcement duties.
12. Attorney and Bonding Complaints – No member shall, in the line of duty, either directly or indirectly, recommend the employment of any person as attorney or counsel. No member shall suggest or recommend the name of a bonding company to any prisoner or suspect.
13. Sleeping on Duty – Members are prohibited from sleeping while on duty, under any circumstances.
14. Shopping in Uniform – Officers shall not shop and carry large quantities of merchandise unless directly connected with law enforcement activity. The occasional stop for gas, food, drink or other items for personal use is allowed.
15. Special Privileges – No member shall be granted any privileges or be required to work fewer hours twice per week than the average

## *Directives of the Leech Lake Tribal Police Department*

required of other members of the police department of similar rank and assignment or be exempted from any rule or regulations to which other members with similar rank and assignment are subject to, except, when the Chief of Police determines that public interest requires assignment of a particular member of law enforcement to a special assignment.

### E. Compliance and Violations

1. Obeying Orders – All members shall promptly obey any lawful order issued by any superior officer.
2. Disobedience of Order – Failure to comply with any legal command or order, written or verbal, issued by a superior officer shall constitute a violation of this section and result in disciplinary action in accordance with the LLBO General Administration Personnel Policies. Whenever any question arises as to the wisdom of an order issued by a superior officer, the order shall be obeyed so long as the ordered act is not illegal in nature. If there is a question regarding the lawful order, it shall be submitted to a higher-ranking officer, after the order has been carried out. The responsibility for the effect of any lawful order issued lies with the officer issuing it and not with the subordinate.
3. Departmental Investigations – When so directed, members are required to truthfully answer questions or produce relevant documents and statements to a competent authority in a departmental investigation.
4. Violation of Any Criminal Law – Members found guilty of a misdemeanor shall be subject to disciplinary action as may be compatible with the nature of the office and will result in progressive discipline in accordance with the Leech Lake Band of Ojibwe General Administration Personnel Policies. Members found guilty of a gross misdemeanor or felony may be subject to immediate dismissal in accordance with the Leech Lake Band of Ojibwe General Administration Personnel Policies.

### F. Required Notifications

1. Serious Injury or Death in the Line of Duty – If a member sustains serious injuries or dies in the line of duty, the Chief of Police shall be

## *Directives of the Leech Lake Tribal Police Department*

notified immediately. The Chief of Police will be responsible for notifying the next of kin, issuing a statement and initiating an investigation.

2. Assaults Upon Personnel – Any assault upon a member of this department acting in their official capacity, whether it is a misdemeanor or felony assault, is to be reported in writing, whenever possible, to the Chief of Police immediately. This report shall include the name of the member who has been victimized, the name of the suspect or suspects and a brief description of the facts involved and the injuries sustained.
3. Reporting a Violation of Law, Ordinance, Rule or Order – Members knowing of any other members violating law, ordinance, rule or order shall promptly notify the Chief, in writing.
4. Testifying for the Department – Any member subpoenaed to testify for the defense in any trial or hearing against any municipality or law enforcement agency shall promptly notify the Chief upon receipt of the subpoena or such request to testify.
5. Civil Actions – Members, when notified of any civil action arising out of their official duties, shall immediately notify their immediate supervisor or when necessary, the Chief of Police. Members shall not use their positions with the Department as a means of forcing or intimidating persons with whom they are engaged in civil matters in an attempt to settle the case in their favor.
6. Payments for Line of Duty Injury – Members who are offered, or agree to accept anything for personal injury incurred in the line of duty shall promptly notify their immediate supervisor and the Chief of Police, prior to acceptance.
7. Information to Superiors – Members shall inform superiors of any matter coming to their attention which may affect the welfare of the Department.

### G. Communication Requirements

1. Divulging Official Business – All members shall not communicate in any manner, directly or indirectly, any information which might assist persons who may have committed a criminal or quasi-criminal acts to

## *Directives of the Leech Lake Tribal Police Department*

escape detection, arrest or punishment or which may enable them to dispose of or hide evidence of unlawful activity or money, merchandise or other property unlawfully obtained. If members have information of such conduct on the part of any other officer or member, that information shall be given to the Chief of Police or the prosecuting officer of the court.

2. Withholding Criminal Information – Members receiving or possessing facts or information relative to any criminal offense shall not retain such facts or information based upon ulterior motive or for personal credit but shall report the facts or information in accordance with the proper procedure. No member shall retain in their personal possession, any official pictures, reproductions, diagrams, daily logs, accident reports or information that is evidence of official Department business.
3. Acts or Statements by Members – Members shall not perform any acts or make any statements verbal, written for publication or otherwise that may or does ridicule, criticize or bring discredit to the Department, the Leech Lake Band of Ojibwe, its administration, in the performance of their official duties or interfere with or subvert the supervision and proper discipline of Department members.
4. Criticism of Officers – Every member shall refrain from making any statement or interference that discredits another member, except when reporting to his supervisors as required by these directives. Every member shall accord courtesy, consideration and cooperation to every other member.
5. Criticism of Orders – Members shall not publicly criticize instructions or orders they received except as permitted by this manual.
6. Business Cards – Members shall not use any business cards or other forms of communication without prior approval by the Chief of Police.

### H. Solicitation of Special Privileges

1. Members shall not use their badge, uniform, identification card or official position to solicit special privileges for themselves or others. Officers may not use their badge or other official credentials to obtain

## *Directives of the Leech Lake Tribal Police Department*

admission to any public gathering when such use is in the course of official duty.

2. Members shall not accept any gift, gratuity or reward of money or other consideration for services rendered in the line of duty from the community or any person, business or agency except lawful compensation by the LLBO.
  3. Acceptance of Fees – Every member is prohibited from buying, selling, bartering or obtaining items or services of value from any complainant, suspect, witness, defendant, prisoner or other person involved in a case which has come to their attention or that is a result of their employment.
- I. Proper Use of Department Property
1. Police Department Property – All members are responsible for the safekeeping and proper care of all property used by them and belonging to the Department. Property shall be used only for official business and in the capacity for which the property was assigned. It shall not be transferred to any other member without the explicit permission of the member's supervisor.
  2. Damaged or Inoperative Property or Equipment – Members shall immediately report in writing, the loss or damage to LLTPD property assigned to or used by them to the Chief of Police or the supervisor. Members shall notify the Chief or Supervisor of any defects or hazardous conditions existing in any police department equipment or property and be responsible to correct such conditions.
  3. Citizens in Police Vehicles – No person will be allowed to ride in police department vehicles, except members of the LLTPD, individuals detained or being transported in the course of law enforcement or other person(s) specifically approved by the Chief or supervisor. A citizen, for the reason of observation, must sign a waiver form before they are permitted to accompany an officer, in accordance with the Ride Along directive contained within.
  4. Office Keys – Members who have been issued keys shall submit requests for duplicate keys to the Chief of Police. Such requests will

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be submitted in writing with details as to why the duplicates are needed.

5. Marking or Defacing Notices – Members shall not mark, alter or deface any printed notices relating to the Department or other government business. Posting any notice of a derogatory nature related to the Department, government or any officials of either is strictly prohibited and will result in progressive discipline in accordance with the Leech Lake Band of Ojibwe General Administration Personnel Policies. Unauthorized notices or correspondence will be removed.

### J. Other Employment Requirements

1. Questions Regarding Assignment/Order – Members and employees in doubt as to the nature or details of the assignment or orders shall seek such information from their supervisors as necessary by going through the chain of command.
2. Forwarding Communication via Chain of Command – Any member receiving or initiating a written communication for transmission to a higher level shall forward such communication to their immediate supervisor until the communication reaches the person designated. Exceptions to this are transmissions directly to the Chief, as described in these directives.
3. Change of Address – Members shall notify the Chief in writing, within 24 hours of change of address or telephone number.
4. Telephone – All members shall maintain a telephone at their residence or a personal or Department issued cell phone. Cell phones are expected to be charged and operational at all times, to ensure contact, when necessary. Members will have approximately one (1) hour to respond to missed phone calls.
5. Personal Use of Property - Members shall not convert to their own use or have any claim in any found property or recovered property held as evidence except through legal challenges.
6. Off-Duty Reporting in Emergencies – Off-duty members shall, upon notice of an emergency, report for duty immediately and comply with instructions given at the time of notification.

<b>DIRECTIVE 1102</b>	<b>Personal Conduct of Officers</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

Supplemental provisions to Directives 1101 and 1103 regarding the conduct of officers of the LLTPD to uphold the integrity of the position and the LLTPD.

**II. POLICY**

Effectiveness of law enforcement depends upon community respect for and confidence in officers of the LLTPD. Conduct that detracts from this respect and confidence is detrimental to the public interest. It is the directive of the LLTPD that its officers exhibit the highest level of moral and ethical behavior and use the rules and regulations as exemplar of the minimum standard we expect.

**III. SCOPE**

This directive applies to all sworn law enforcement officers holding POST Licensure in Minnesota, including POST-Licensed conservation officers, of the Leech Lake Tribal Police Department.

**IV. PROCEDURE**

**A. Law Enforcement Code of Ethics**

1. The Law Enforcement code of ethics contained within section IV, is a general guideline of conduct of the officers of the LLTPD. All employees of the LLTPD shall follow the rules, regulations and directives of the LLTPD and the LLBO's General Administration Personnel Policies that govern conduct.
2. An officer's fundamental duty is to serve humankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all.
3. Officer's personal lives should be unsullied as an example to all. To be honest in thought and deed in both our personal and official lives, we must be exemplary in obeying the laws of the land and regulations of our department.

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4. Officer should not permit personal feelings, prejudices, animosities or friendships influence our decisions. Officers must maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Officers must enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and or accepting gratuities.
  5. An officer's badge is a symbol of public faith and public trust. Officers should strive to achieve these objectives and ideals, dedicating themselves to their chosen profession.
- B. Loyalty - An officer's duty is to serve society. Police Officers must make difficult decisions. Officers must exercise discretion in situations where an officer's rights and liabilities and those of the LLTPD depend upon the officer's conduct and judgment. A police officer's decision may involve a choice that can cause the officer hardship or discomfort. A police officer must uphold the oath of office, the principles of Law Enforcement and the objectives of the LLTPD. An officer must not allow personal motives to govern their decisions and conduct.

**OATH OF HONOR**

I, \_\_\_\_\_ in taking the position of a Sworn Law Enforcement Officer of the Leech Lake Band of Ojibwe, do hereby solemnly swear that I will support, honor, respect and uphold the laws of the Leech Lake Reservation, the Constitution of the Minnesota Chippewa Tribe and the Constitution of the United States of America. On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the Constitution, the community, and the agency I serve, so help me God.

Sworn before me on this day of \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

- C. Conduct Unbecoming an Officer - An officer is a representative of government and a symbol of stability and authority. An officer's conduct



## *Directives of the Leech Lake Tribal Police Department*

is closely scrutinized. Since the conduct of any officer or civilian employee, on or off-duty, reflects upon the LLTPD, all members of the Department must conduct themselves in a manner that does not bring discredit to themselves, the LLTPD, the Leech Lake Band of Ojibwe and the Law Enforcement profession.

- D. Respect for Constitutional Rights - A person cannot be deprived of constitutional rights because they are suspected of committing a crime. Courts determine the constitutionality of a Statute, not Officers who seek to properly enforce the law as it exists. Officers may enforce Federal, State or Band Statutes without fear of abrogating a person's constitutional rights. An officer who lawfully acts within the scope of his/her duty does not deprive persons of their civil liberties. An officer may make reasonable inquiries, conduct investigations and arrest with probable cause. When officers exceed their scope of duty, however, through unreasonable conduct, they violate the sanctity of the law they are sworn to uphold.
- E. Integrity - Integrity of Law Enforcement personnel will be above reproach. The dishonesty of a single Police Department's member may impair public confidence and cast suspicion upon the entire LLTPD. Succumbing to even minor temptation may contribute to erosion of public confidence. LLTPD employees must scrupulously avoid any conduct which might compromise their integrity, their fellow officers or the LLTPD. Officers are obligated to report the dishonesty of others.
- F. Gratuities - A member of the LLTPD shall not accept gifts, rewards, gratuities or other benefits when such benefit is granted, whether fully or partially, as a result of their employment. No member of the LLTPD shall offer or give gifts, gratuities or special privileges to any other person or agency in expectation of special benefit to the member or the LLTPD.
- G. Solicitations - No employee of the LLTPD shall solicit any form of benefit for themselves, the LLTPD, the Leech Lake Band of Ojibwe members or any other organization, from any person, group or firm, when the benefit is secured as a result of their employment.
- H. Courtesy - Effective Law Enforcement depends on a high degree of cooperation between the LLTPD, the public and other public agencies. Courtesy encourages understanding and appreciation while discourtesy breeds contempt and resistance. Most people are law-abiding who

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expect fair and courteous treatment by LLTPD employees. While the urgency of a situation might preclude the ordinary social amenities, discourtesy under any circumstances is indefensible. An Officer's courtesy is not a sign of weakness, but rather firmness and impartiality that characterizes professionalism.

- I. Compliance with Lawful Orders - The LLTPD is an organization with a clearly defined chain of authority. Proper performance in the chain of authority displays a willingness to serve and will be recognized and awarded. If there is a willful disregard of lawful orders, commands, directives or directives, retraining of personnel or disciplinary action may be necessary.
- J. Use of Intoxicants - Law Enforcement requires an employee to be mentally alert and physically responsive. When the community encounters an employee of the LLTPD who appears intoxicated, there is an immediate decrease in public confidence. An officer must not consume intoxicants to such a degree that it impairs their on-duty performance or discredits the Department. Except as necessary in the performance of official assignment, the consumption of intoxicants is prohibited while an employee is on duty.
- K. Attention to Duty - Because most rural officers perform without close supervision, officers themselves are responsible for the proper performance of their duties. An Officer is responsible for the safety of the community and fellow officers. Officers discharge that responsibility by the faithful and diligent performance of their assigned duty. Anything less violates the trust placed in them by the community and will not be tolerated.
- L. Financial Obligations - Financial distress may impair an employee's effectiveness and discredit the LLTPD. Employees should avoid incurring financial obligations that are beyond their ability to reasonably satisfy from their earnings.
- M. Refusal to Work - An officer's commitment to public safety and professional ethics precludes engaging in labor strikes or similar concerted activities. Officers do not have the right to strike or engage in any work stoppage or slowdown. LLTPD will seek the termination of an employee who attempts to or engages in any such strike, work stoppage or slow-down.

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- N. Employee Grievances - A LLTPD employee has the right of review of a complaint relating to their employment. No formal or informal action shall be taken by the LLTPD, unless, a grievance is filed pursuant to the Leech Lake Band of Ojibwe's General Administration Personnel Policies.
- O. Commendations - A high level of professionalism is always expected of all employees. When an officer or employee performance exceeds standards of the LLTPD, an official commendation may be awarded to recognize those who have brought honor to themselves and the LLTPD. Such recognition shall be documented in the employee's annual performance evaluation for inclusion in the employee's personnel file.
- P. Discipline - The LLTPD has the responsibility to take disciplinary action against any employees that do not remain in compliance with these LLTPD directives and the Leech Lake Band of Ojibwe's General Administration Personnel Policies.
- Q. Religious Activity - The First Amendment to the Constitution guarantees the right of all citizens to freedom of religious belief or non-belief and precludes governmental intervention in religious matters. Employees of the LLTPD, in their official capacities, shall act in a non-sectarian manner. Employees must conduct themselves in a manner that neither favors nor illegally restricts any particular religious belief while acting in an official capacity. This section does not intend to restrict an employee's freedom of personal belief, but to ensure that employees, while functioning in an official capacity, do not manifest their beliefs in a manner that interferes with the rights of other citizens.
- R. Sexual Harassment
  1. Sex discrimination and sexual harassment are against the law. It is the directive of the LLTPD to abide by applicable laws that prohibit sexual harassment and to maintain an atmosphere free of sexual harassment, intimidation or coercion. The supervisory and management personnel of the LLTPD are responsible for enforcing this directive.
  2. Sexual harassment of an employee by another employee will not be tolerated. If investigation of a complaint of sexual harassment indicates that such harassment has occurred, appropriate disciplinary actions will be taken.

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3. The following conduct and any similar conduct is prohibited:
  - a) Use of offensive or demeaning language that has a sexual connotation.
  - b) Unwelcome closeness or contact.
  - c) Unwelcome suggestions about or invitations to, social engagements.
  - d) Any suggestions, whether direct or indirect that an employee's job security, job assignment, conditions of employment or opportunities for advancement are in anyway dependent on the employee granting sexual favors to any other employee, supervisor or manager.
  - e) Any action relating to an employee's job status which is, in fact, affected by whether the employee granted or refused to grant sexual favors to another employee or how the employee responded to sexual advances, sexual comments or jokes.
  - f) The creation of an atmosphere of sexual harassment or intimidation, regardless of whether the person whose actions created that atmosphere intended to do so.
  - g) The deliberate or careless making of jokes or remarks of a sexual nature.
  - h) The deliberate or careless distribution, posting or display of materials (such as cartoons, articles, pictures, etc.) which have sexual content and which are not necessary for law enforcement function.
4. All employees must treat their co-workers, subordinates and supervisors with respect at all times.
5. Any employee who feels that they are being subjected to sexual harassment in any form or believes they have witnessed sexual harassment, should contact one of the following:

Human Resources Director  
Leech Lake Band of Ojibwe  
115 Sixth Street NW – Suite E

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Cass Lake, MN 56633  
218-335-3698

Chief of Police  
Leech Lake Tribal Police Department  
P.O. Box 187  
6242 Upper Cass Frontage Road  
Cass Lake, MN 56633  
218-335-8277 or 888-622-9225

6. No retaliation of any kind will occur because you have reported an incident of suspected sexual harassment. Retaliation against any employee who complains of sexual harassment is prohibited and will result in disciplinary action. The LLTPD shall remain free of sexual harassment.
- S. Responsibility of On-Duty Officers
1. On-duty officers within reservation boundaries, after considering the tactical situation, are to take steps as reasonably necessary and consistent with their assignment to protect life and property, to affect the enforcement of the laws of the Band, county, state and nation, to serve the public.
  2. On-duty officers outside the reservation boundaries who become aware of a situation requiring officer response, must first consider the tactical situation and mutual aid agreements, then take steps reasonably necessary to carry out the Band's responsibilities under the mutual aid agreement. On-duty officers outside the Reservation who are not acting within the scope of their employment as officers on matters of direct concern to the Band are to give first consideration to the tactical situation and of their personal liability and that of the Band.
- T. Responsibility of Off-Duty Officers - Under current Minnesota law, both on and off-duty officers have peace officer authority as to any public offense committed or which there is probable cause to believe has been committed in their employing jurisdiction with respect to which there is immediate danger to person or property or the escape of the perpetrator of the offense. Off-duty officers, on and off the Reservation, must first

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consider the tactical situation and then the liability of themselves and the Band.

- U. No Peace Officer Authority – Outside of the State - Powers of the LLTPD Officers do not extend beyond Minnesota except as provided for in the Uniform Act of Fresh Pursuit and Minnesota Statutes. Officers who are outside the boundaries of the state, county or reservation for extradition or other matters of direct concern to the Band shall not engage in law enforcement activities, unless necessary in the performance of their duties as an officer of the Band, or when called upon to assist another law enforcement agency or when necessary to protect the life of any person.
- V. Off-Duty Weapons - Carrying an off-duty weapon is prohibited without the prior approval of the Chief of Police.

<b>DIRECTIVE 1103</b>	<b>Conduct Unbecoming of an Officer</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To define conduct unbecoming a police officer and to establish principles and rules by which officers shall govern their behavior.

**II. POLICY**

Effectiveness of law enforcement depends upon community respect and confidence in police officers. Conduct that detracts from this respect and confidence is detrimental to public interest. It is the directive of the LLTPD:

- A. Officers shall conduct themselves according to the Law Enforcement Code of Ethics and the principles and rules set forth in this document.
- B. Prohibit conduct not mentioned under specific rules, but which violates a general principle.
- C. Investigate circumstances suggesting an officer has engaged in unbecoming conduct and impose disciplinary action when appropriate.
- D. Scope: This directive applies to all sworn officers of the Leech Lake Tribal Police Department engaged in official duties, whether within or outside the territorial limits of the Leech Lake Reservation. Unless expressly noted otherwise, this directive applies to off-duty conduct as well.

**III. SCOPE**

This directive applies to all sworn law enforcement officers holding POST Licensure in Minnesota, including POST-Licensed conservation officers, of the Leech Lake Tribal Police Department.

**IV. PROCEDURE**

- A. Professional Conduct of Peace Officers and Standards for Legal Conduct – Police officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the Minnesota Chippewa Tribe, the Constitution of the United States, the Minnesota Constitution, Minnesota POST board requirements and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

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1. Police officers conduct their duties pursuant to a grant of limited authority from the community. Since police officers may only act in accordance with powers granted to them, officers must fully understand the laws defining the scope of their enforcement powers.
  2. Police officers shall not knowingly exceed their authority in the enforcement of law.
  3. Police officers shall not knowingly disobey the rules of criminal procedure in the area of interrogation, arrest, detention, searches, seizures, use of force, use of informants and preservation of evidence.
  4. Police officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States, the Minnesota Chippewa Tribe and the State of Minnesota.
  5. Police officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the Tribe, United States, any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under the proper authority.
- B. Standards of Integrity – Police officers shall refrain from any conduct in an official capacity that detracts from the public’s faith in the integrity of the Tribal justice or criminal justice system.
1. Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The police officer, as the public’s initial contact with the justice system, must act in a manner that instills such trust.
  2. Police officers shall carry out their duties with the highest degree of integrity, fairness, impartiality and respect for others.
  3. Police officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted by law.



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4. Police officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
  5. Police officers shall take no action knowing it will violate the constitutional rights of any person.
  6. Police officers must obey lawful orders, but must refuse to obey any orders the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer shall request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his/her actions in writing to the Chief of Police.
  7. Police officer learning of or observing conduct that is in violation of any law or directive of this Department shall take necessary action and report the incident to the Chief of Police. If the misconduct observed or learned is committed by the Chief of Police, the officer shall report the incident, in writing, immediately, to the LLBO Executive Director.
  8. Unless required for the performance of official duties, police officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexual-oriented adult entertainment. This rule does not prohibit officers from conducting routine walk-through of such establishments as part of regular assigned duties
- C. Standards of Equality - Police officers shall perform their duties and apply the law impartially and without racism, prejudice or discrimination.
1. Public trust and confidence is essential to effective law enforcement. Diverse communities must have faith in the fairness and impartiality of their police. Officers must thus refrain from fostering disharmony in their communities based upon diversity, and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.
  2. Police officers shall provide professional, efficient and effective law enforcement and protective services to all persons in our communities.

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3. Police officers shall not express, by act, omission or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.
  4. Police officers shall not allow their law enforcement decisions to discriminate by race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.
- D. Standards of Credibility - Police officers, whether on or off duty, shall not exhibit any conduct which discredits themselves, the Department or the LLBO, or otherwise impairs their ability, or that of other officers or the Department, to provide law enforcement services to the community.
1. An officer's ability to perform his/her duties is dependent upon the respect and confidence communities have for the officer and the justice system in general. Police officers must thus conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public, their Department and the LLBO.
  2. Police officers shall not consume alcohol beverages or chemical substances, while on duty and/or in uniform, with the exception as provided for in this section 4(d).
  3. Police officers shall not consume alcoholic beverages to the extent that the officer would be rendered unfit for the officer's next scheduled shift. An officer shall not report for work with the odor of an alcoholic beverage on the officer's breath, skin or clothes.
  4. Police officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of official duties. The officer shall immediately notify the Chief of Police if a prescribed medication is likely to impair performance of duties during the officer's next or subsequent scheduled shifts. The officer will also need to be prepared to provide a printout of prescribed medications to the testing site, should they

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be subject to random UA test, according to the LLBO Drug, Alcohol and Controlled Substances Directive.

5. Police officers, while on duty, shall not commit any act which, as defined under Tribal or Minnesota law, constitutes sexual harassment, including but not limited to, making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
6. Police officers, while off duty, shall not engage in any conduct which the officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.
7. Police officers shall not commit any acts that, as defined by Tribal or Minnesota law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in strict accordance with proper police procedures.
8. Police officers shall not commit any acts that, as defined by Tribal or Minnesota law, constitutes Domestic Abuse.
9. Police officers shall not violate a court order restraining the officer from:
  - a) Committing an act of domestic abuse or harassment.
  - b) Having contact with the petitioner.
  - c) Excluding the officer from the home or workplace of the petitioner.
10. Police officers shall not, while performing their duties, engage in any sexual contact or conduct constituting lewd behavior, including, but not limited to, showering or receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of any persons unless physical contact is needed in the course of authorized duties to enforce and uphold state and tribal laws and to keep the public and officers safe.

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11. Police officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or Department. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.
- E. Standards of Respect - Police officers shall treat all members of the public with courtesy and respect.
1. All persons have a right to be treated with respect and courtesy, especially by those to whom they look for protection and justice.
  2. Police officers shall exercise reasonable courtesy in their interactions with the public, suspects, fellow officers, superiors and subordinates.
  3. No police officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything calculated to incite a person to anger or violence.
  4. Police officers shall promptly advise any inquiring person of the Department's complaint procedure, and shall follow the established directive for the processing of complaints alleging unbecoming conduct.
- F. Standards of Impartiality – Police officers shall not compromise their integrity, nor that of the Department's, by accepting, giving or soliciting any gratuity which can be reasonably interpreted as capable of influencing their official actions or judgment or by using their status as a police officer for personal, financial or political gain.
1. To maintain a community's faith in its police officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the officer or the Department.
  2. Police officers shall not use their official position, identification cards or badges for:
    - a) Personal or financial gain for themselves or another person.
    - b) Obtaining privileges not otherwise available to them except in the performance of duty.

## *Directives of the Leech Lake Tribal Police Department*

- c) Avoiding consequences of unlawful or prohibited actions.
  - 3. Police officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the Chief of Police.
  - 4. Police officers shall refuse favors or gratuities that could be reasonably interpreted as capable of influencing official actions or judgments.
    - a) Police officers shall not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of the LLTPD in connection with advertisements for any product, commodity or commercial enterprise, unless such advertisement, product commodity or commercial enterprise is for LLBO and is approved by the Chief.
    - b) Police officers shall maintain a neutral position regarding the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.
    - c) Police officers shall not make endorsements of political candidates, for Tribal, local or national elections while on duty or in uniform.
  - 5. This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity. None of these rules shall prevent officers from engaging in the free expression of political speech in their capacities as private citizens or the rights of police fraternal organizations to endorse political candidates or express views on political issues or other matters of public concern.
- G. Standards on Conflict of Interest - Police officers shall not compromise their integrity, nor that of their Department or profession, by taking or attempting to influence actions when a conflict of interest exists.
- 1. To maintain public faith in the integrity and impartiality of police officers and the Department, officers must avoid taking or influencing official actions which conflict with the officer's appropriate responsibilities and sworn duties.

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2. Police officers shall, unless required by law or directive, refrain from becoming involved in official matters, or influencing actions of other officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship or involvement.
  3. Police officers shall, unless required by law or directive, refrain from acting or influencing official actions of other officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
  4. Police officers shall not use the authority of their position as officers, or information available to them due to their position as officers, or information available to them due to their status as officers, for any purpose of personal gain including, but not limited to, initiating or furthering personal and/or intimate interactions of any kind with a person with whom the officer has had contact while on duty.
  5. Police officers shall not engage in any off-duty employment if the position comprises or would reasonably tend to compromise the officer's ability to impartially perform official duties.
- H. Standards of Confidentiality - Police officers shall observe the confidentiality of information available to them due to their status as law enforcement officers.
1. Police officers are entrusted with vast amounts of private and personal information, or access thereto. To protect the privacy of the subjects of that information, and to maintain public faith in the officer's and Department's commitment to preserving such confidences, officers must maintain the confidentiality of such information.
  2. Police officers shall not knowingly violate any legal restriction for the release or dissemination of information.
  3. Police officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, suspects, witnesses or complainants.

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4. Police officers shall not divulge the identity of persons giving confidential information except as required by law or departmental directive.
  5. Police officers shall, as a condition of their employment, be required to sign an official LLBO Confidentiality form.
- I. Applications - Any disciplinary actions arising from violations of this directive shall be investigated in accordance with MN Statute 626.89, Peace Officer, Discipline Procedures Act and the Leech Lake Tribal Police Department's directive on Allegations of Misconduct as required by Minnesota POST Rules 6700.2000 to 6700.2600.
  - J. Reporting Requirements - The Chief of Police shall report annually to the POST Board summary data regarding the investigation and disposition of cases involving allegations of misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated.
  - K. Law Enforcement Code of Ethics
    1. As a Law Enforcement Officer, my fundamental duty is to serve humanity; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.
    2. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department and Nation. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duties.
    3. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I

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will enforce the law courteously and appropriately without fear or favor, malice or ill-will, never employing unnecessary force or violence and never accepting gratuities.

4. I recognize the badge of my office as symbol of public faith, and I accept it as a public trust to be so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before my Creator to my chosen profession...law enforcement.



<b>DIRECTIVE 1104</b>	<b>Allegations of Misconduct</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Leech Lake Tribal Police Department (Minn. R. 6700.200).

**II. POLICY**

Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a lawful and impartial manner without fear of reprisal, while at the same time meticulously respecting individual rights. This directive on complaint procedures is intended to provide corrective action when an officer or other employee of the Department conducts him/herself improperly as well as to protect that officer or employee from unwarranted criticism when duties are discharged properly.

A relationship of trust and confidence between employees of the LLTPD and the community they serve is essential for effective law enforcement and protection of the public. To maintain this trust, it is the directive of the LLTPD to:

- A. Encourage any person who believes that a law enforcement act is improper, bring the complaint to the Department's attention.
- B. Ensure all Department members proactively report misconduct to a supervisor.
- C. Handle all complaints in a prompt and expeditious manner in accordance with these procedures. Make available to the public a summary of the complaint process and copies of these procedures upon request.
- D. Ensure no adverse consequences or retaliation occurs to any person or witness who files a complaint or provides information in any investigation of a complaint.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department while engaged in the who are either sworn or expected to uphold public trust as they discharge their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation. This directive extends to allegations conduct by off-duty members alleged to have that violated the law, or engaged in conduct that disrupts the

## *Directives of the Leech Lake Tribal Police Department*

organizations operations, impedes its ability to serve its citizens, or reflects negatively on the LLTPD or the Leech Lake Band of Ojibwe.

### **IV. REFERENCE**

Minnesota Statute § 626.89                      Peace Officers Discipline Procedures Act

### **V. DEFINITIONS**

- A. *Chief Law Enforcement Officer:* The chief of police, sheriff, state law enforcement director or a designee. Within this model directive, the chief law enforcement officer will be referred to as CLEO.
- B. *Complainant:* A person who submits a complaint to the CLEO alleging misconduct by an agency member.
- C. *Complaint:* A written statement made to or by a CLEO alleging misconduct.
- D. *Member:* All voluntary and compensated personnel of the agency.
- E. *Discipline:*
  - 1. Oral reprimand,
  - 2. Written reprimand,
  - 3. Suspension,
  - 4. Demotion, or
  - 5. Discharge.
- F. *Exonerated:* A fair preponderance of the evidence established either that:
  - 1. The act or acts complained of did not occur;
  - 2. The agency member named in the complaint was not involved in the alleged misconduct; or
  - 3. The act(s) forming the basis for the complaint occurred; however, the investigation reveals the conduct was justified, lawful or proper.

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4. If the investigation determines that the alleged misconduct occurred, but was the result of inadequate agency directives, the notation of “Directive Failure” may be appended to a finding of Exonerated, shifting the burden from the employee to the agency.
- G. *Not Sustained:* The investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.
- H. *Sustained:* A fair preponderance of the evidence obtained in the investigation established that the accused person’s actions constituted misconduct.
- I. *Formal Statement:* The questioning of an agency member in the course of obtaining a recorded, stenographic or signed statement to be used as evidence in a disciplinary proceeding against the agency member.
- J. *Respondent:* Any agency member, whether full-time, part-time, temporary or voluntary, against whom a complaint has been filed; also referred to as the subject of the investigation.
- K. *Misconduct:*
1. A violation of any agency directive and procedure governing conduct of agency members;
  2. The use of unnecessary or excessive force;
  3. The conviction of any criminal offense;
  4. Abuse of authority;
  5. Conduct which violates a person’s civil rights;
  6. Abusive or insulting language or conduct which is derogatory of a person’s race, religion, sex, national origin or sexual preference;
  7. Sexual harassment as that term is defined under Minnesota law;
  8. Intimidation or retribution toward a complainant or witness involved in any complaint proceeding.
- L. *Directives and Procedures:* The administrative rules adopted by the agency regulating the conduct of agency members.

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- M. *Internal Investigation*: Also referred to as simply the investigation, in the context of this directive refers to a formal inquiry into the facts and circumstances of allegations of employment misconduct by one or more members of the Department.
- N. *Investigator*: Refers to the supervisor, investigator, or other person to whom the Chief has assigned the responsibility for conducting the Internal Investigation.

### **VI. PROCEDURE**

- A. Procedure for Initiating a Complaint Alleging Misconduct by a Member of the Leech Lake Tribal Police Department.
  - 1. Anyone with personal knowledge of facts giving rise to the allegations of misconduct or who has reliable hearsay information may initiate a complaint.
  - 2. Complaints of improper employee actions may be received from the public, other members of the Department, members of other law enforcement agencies, or anyone else with knowledge of misconduct by Department members.
  - 3. Any Department employee who has personal knowledge of misconduct must file a complaint under these procedures.
  - 4. Media reports or information learned through social media may also form the basis for an allegation of misconduct. Any Department member may become the complainant in these cases.
  - 5. An attorney or other appropriate representative may accompany a complainant at the time the complaint is filed or at any other stage of the process.
- B. Intake Responsibilities
  - 1. The shift supervisor should receive and accept allegations of misconduct involving LLTPD members if one is available.
  - 2. In absence of a supervisor, any employee may receive an initial complaint and will make a complaint form available to the complainant if requested. The officer shall provide contact information and anticipated availability for the next on-duty

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supervisor. The complainant does not have to complete the complaint immediately and may take it with them. The officer shall obtain the complainant's contact information and forward it to the next on-duty supervisor so they can attempt contact. If the allegation is of a serious or criminal nature, the officer shall contact the Chief of Police or any available supervisor or command level officer and inform them of the complaint. In any case, the officer receiving the initial complaint shall not disclose the identity of the complainant or the nature of the complaint to anyone other than the Chief, Assistant Chief, or a supervisor.

3. Upon receiving a complaint alleging misconduct, the supervisor shall:
  - a) Immediately initiate an initial Complaint by assigning a case file number and recording pertinent information.
  - b) Not consider the complaint to be "filed" until the complainant signs the report.
  - c) If the person reporting the complaint requests to remain anonymous, the supervisor shall become the complainant and sign the Complaint. If the supervisor doubts the veracity of the allegation, he/she may inform the complainant that their identification and contact information is consequential to the complaint being investigated. In either case, the supervisors shall forward the allegation to the Chief of Police for review.
4. Complaints alleging misconduct by the Chief of Police shall be referred to the Leech Lake Tribal Attorney as soon as it is known that the Chief is the subject of the complaint. The Tribal Attorney will then receive and investigate the complaint.

### C. Signatory Responsibilities

1. If a person filing a complaint presents reasonable credible facts relating to the alleged misconduct and the person wishes to remain anonymous, the supervisor receiving the information shall then become the complainant.
2. Should the supervisor have reasonable belief that the complaint is invalid, the supervisor shall:

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- a) Initiate the Complaint.
  - b) Have the authority to require the complainant to identify him/herself prior to filing the complaint.
  - c) Have the authority to refuse to file the complaint in the event that the complainant refuses to identify him/herself and shall advise the anonymous person of this fact.
3. After the complaint is received, the supervisor shall:
- a) Sign the Complaint of Misconduct Report (CMR) on the form provided by the Department for this purpose;
  - b) Give or mail a copy to the complainant;
  - c) Forward a copy to the Chief of Police or the person designated to review staff complaints.
  - d) File the original CMR in the master file;
  - e) File a copy in the employee's personnel file;
- D. Procedures for the Investigation of Allegations of Misconduct – Upon receipt of the CMR, the Chief of Police shall make an initial determination as to whether the alleged facts are sufficient to warrant a formal investigation. Additionally, in making this determination, the Chief may meet with the complainant, the accused employee or any potential witnesses.
1. If the Chief determines that an investigation is not warranted, the Chief shall:
    - a) Enter the disposition of the complaint at either “not sustained” or “exonerated”, depending on the facts.
    - b) Notify the accused employee of the disposition.
    - c) Notify the complainant of the disposition and the basis for the determination.
    - d) Notify the complainant that the decision may be reversed should the complainant supply additional information within thirty (30) days of the disposition.

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2. If the Chief determines a formal investigation is warranted, the Chief shall assign the appropriate supervisor or investigator to investigate the complaint.
3. The investigation may be turned over to an external agency if necessary to remove or reduce potential bias in an investigation.
4. The Chief shall ensure the subject(s) of a signed complaint receive notice together with a summary of the complaint.
5. If the Chief of Police determines a formal investigation is warranted, he/she shall assign a supervisor or investigator to investigate the complaint. The Chief may refer the investigation to an external agency when there is the potential for criminal charges or in any other situation where the Chief believes an external investigation is appropriate.
6. After a complaint is filed, the officer receiving the complaint shall sign the document, then forward to the Chief, as soon as possible. The Chief will forward a copy of the document to the accused member, but only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.
7. Upon being assigned to the investigation of the complaint of misconduct, the investigator shall:
  - a) Inform the complainant of the investigator's name, phone number and status of the complaint.
  - b) Thoroughly investigate all allegations contained within the complaint and any other potential misconduct discovered in the course of the investigation.
  - c) Initiate complaints against other employees should the investigation reveal potential misconduct by those employees.
  - d) Members may not refuse to answer questions asked by a supervisor or the investigator that are specifically directed and narrowly related to their official duties or fitness for duty (or the duties and fitness of fellow members).

## Directives of the Leech Lake Tribal Police Department

- e) Department members who are interviewed as either the subject of an investigation or as a witness are required to give complete, accurate, and truthful answers.
  - f) Employees who fail to cooperate as required in viii may be disciplined or dismissed for refusal to answer any questions lawfully requested.
  - g) Information provided by employees during an internal investigation are admissible in a disciplinary proceeding.
  - h) Members under investigation shall be informed of their rights and that the member's statements may not be used in a criminal trial but may be used in a disciplinary proceeding. They may not be compelled to sign a waiver so that their responses could be used in a criminal trial.
8. The Chief or investigator shall inform members under investigation of their rights by reading the following:

*I wish to advise you that you are under official investigation by the Department regarding an allegation of misconduct. You will be asked questions specifically directed and narrowly related to the performance of your official duties and/or fitness for duty. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the United States and the Leech Lake Band of Ojibwe, including the right not to be compelled to incriminate yourself in criminal activity. I further wish to advise you that if you refuse to truthfully answer my questions relating to the performance of your official duties or your fitness for duty, you will be subject to disciplinary action that could result in your dismissal from employment. If you do answer, neither your statements nor information, or evidence that is gained by such statements, can be used against you in any subsequent criminal proceedings. These statements may be used against you in relation to any subsequent disciplinary action.*

### E. Administrative Leave

1. When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused employee to



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continue to work would adversely affect the mission of the Leech Lake Tribal Police Department, the Chief of Police or the authorized designee may temporarily assign the accused employee to administrative leave, either paid or non-paid.

2. If the complaint involves allegations or indications of a criminal offense, the Chief of Police or the authorized designee may temporarily assign the accused employee to administrative leave, either paid or non-paid, pending completion of the investigation and/or criminal proceedings.
3. Any employee placed on administrative leave:
  - a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment/property.
  - b) Shall be required to continue to comply with all department directives and lawful orders of a supervisor.
  - c) May be temporarily reassigned to a different shift, generally a normal business-hour shift, during the investigation.
  - d) The accused employee may be required to remain available for contact at all times during the investigation and will report as lawfully ordered.
4. The Chief of Police or the authorized designee may change, modify, or deviate from this directive as the totality of the circumstances dictate in any investigation.

### F. Investigative Report

At the conclusion of the investigation, the assigned supervisor or investigator shall compile a comprehensive report containing all relevant information and organize the report into the following three categories:

1. Allegations – This section consists of an itemized summary of the acts of misconduct alleged in the complaint. Reference shall be made to those rules, procedures, orders, statutes or constitutional provisions that would be violated if the allegations are true.

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2. Investigation – This shall consist of a chronological summary of the investigation, including all pertinent facts obtained through interviews with the complainant, accused employee(s) and all available witnesses. Written statements, description and analysis of any physical evidence and all other relevant information shall be included.
  3. Conclusions – This section shall include the investigator’s findings and conclusions as to whether any misconduct occurred and the underlying reasons for the findings and conclusions. These conclusions shall not be binding on the Chief.
- G. Employee Responsibilities
1. All employees, including the accused, shall cooperate with the investigation and give complete, accurate, and truthful answers or information. Failure to cooperate shall be a basis for disciplinary action.
  2. Investigators shall keep investigative files, notes, and related documents secure in a manner that prevents unauthorized access.
  3. Investigators shall refrain from discussing the investigation with persons not authorized access to the case.
  4. All investigations shall be concluded in a timely manner and without unreasonable delay.
- H. Misconduct Investigation Review and Disposition
1. Upon completion of the investigation, the investigator shall submit a report, the case file and all investigative notes to the Chief.
  2. The Chief shall review the investigation to ensure it is complete, all allegations have been addressed, and the conclusions are based on the evidence.
  3. The Chief shall refer the investigation back to the investigator if he/she deems it necessary.
  4. The Chief shall make one of the following findings after review and consideration of the investigation’s results and conclusions:
    - a) Unfounded

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- b) Exonerated
  - c) Exonerated by directive failure
  - d) Not sustained
  - e) Sustained
5. The Chief may withhold issuing a disposition until any related criminal cases or other internal investigations are resolved. The complainant and the accused shall be informed of this decision.
  6. If the complainant is exonerated, attributed to a failure in the construct of the agency's directives, or not sustained, the Chief shall immediately notify both the complainant and the accused employee of the disposition.
  7. If the complaint is sustained, the Chief shall take appropriate disciplinary action. Such action shall be based on the severity of the misconduct as determined by the investigation. The Chief shall consider the accused member's record of service. Disciplinary action shall be in accordance with the General Administration Personnel Policies. In addition to disciplinary action, the Chief may impose counseling and/or remedial education.
  8. After determining the appropriate disciplinary action (in accordance with the GAPP) the Chief shall issue a written Findings of Fact containing the following:
    - a) A summary of the act or acts constituting misconduct, infractions or violations of rules, directives, procedures, directives, orders or law(s).
    - b) A description of the disciplinary or remedial action taken to prevent recurrence of the misconduct.
    - c) Any other information relevant to the disposition.
  9. Prior to the implementation of disciplinary or remedial actions, the accused member shall be provided with a copy of the Findings of Fact. The Chief shall review it with the accused member and explain the reasons for the action. The Chief should also provide the employee an opportunity to present information they would like the Chief to

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consider prior deciding to impose discipline involving the loss of wages or employment.

10. Original copies of the Findings of Fact and Employee Warning Report shall be filed Human Resources for the employee's personnel file. The complainant shall also be given a copy of the Findings of Fact.
  11. Within fifteen days after notification of the disposition, the complainant or the accused member may request in writing that the Chief, for good cause shown, reopen the investigation. If no request is made within fifteen days, the disposition becomes final. If a request for reconsideration is made, the disposition shall become final upon a decision on the request by the Chief. Notwithstanding the foregoing, the Chief may reopen an investigation at any time if substantial and relevant evidence is later discovered.
  12. When a substantiated disposition is final, the accused employee may appeal the disposition by filing a grievance according to the General Administration Personnel Policies.
- I. Maintenance and Disclosure of Data
1. Disclosure to the complainant, accused member and the public regarding disciplinary data collected, received or maintained shall be done in accordance with this manual, applicable provisions of Minnesota or Federal law, and the Band's Directives and Procedures governing disclosure of data.
  2. All data collected, created or received by the Department in connection with this manual shall be maintained in accordance with the Department's and Human Resources' data retention schedule.
  3. The LLBO General Administration Personnel Policies shall govern the placement of the disposition report or other data in the personnel file.
  4. Copies of current written procedures governing allegations of misconduct shall be available to the public upon request.
  5. Copies of current written procedures governing allegations of misconduct and any subsequent modifications of the procedures shall be distributed to all Department employees.

<b>DIRECTIVE 1105</b>	<b>Brady Material Disclosure</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

It is the purpose of this directive to provide officers with the information necessary to properly fulfill the disclosure requirements mandated under U.S. Supreme court decisions regarding disclosure of potentially exculpatory information and disclosing information potentially affecting the credibility of witnesses in a criminal case, commonly known commonly and collectively as *Brady-Giglio* disclosures.

**II. POLICY**

The *Brady* decision and subsequent rulings have made it a duty of all law enforcement agencies to 1) identify and provide to the prosecution any exculpatory material that would have a reasonable probability of altering the results in a trial, or any material that could reasonably mitigate the sentencing of a defendant and 2) any material relevant to the credibility of government witnesses, including, but not limited to police officers. It is the directive of this police department to follow *Brady* disclosure requirements consistent with the law.

**III. SCOPE**

This directive applies to all sworn law enforcement officers, conservation officers, and members of the Leech Lake Tribal Police Department who provide sworn testimony in criminal court proceedings and to those members who prepare and transmit cases to prosecutors and the court, while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCES**

*Brady v. Maryland*, 373 U.S. 83 (1963)

*Giglio v. U.S.*, 405 U.S. 150 (1972)

**V. DEFINITIONS**

- A. *Brady Information*: Information known or possessed by the Leech Lake Tribal Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant. Allegations that

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are not sustained, are not credible, without merit, false or have been determined to be unfounded are not *Brady* information.

- B. *Brady Violation*: Failing to comply with the rules under *Brady* result in what is commonly known as a “*Brady Violation*”. A “*Brady Violation*” will likely lead to a reversal of a conviction on appeal and/or a new trial for the accused.
- C. *Exculpatory evidence/Brady material*: *Brady* violations are, by definition, violations of an individuals’ 14<sup>th</sup> amendment right to due process of law. Exculpatory evidence is evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and that may impact the credibility of a government witness, including a police officer. Impeachment material is included in the *Brady* disclosure requirements.
- D. *Material Evidence*: Exculpatory evidence is “material” if there is a reasonable probability that disclosing it will change the outcome of a criminal proceeding. A “reasonable probability” is a probability sufficient to undermine the confidence in the outcome of the trial or sentencing in a criminal case.
- E. *Duty to disclose*: The affirmative constitutional duty of the police is to notify the prosecutor of any *Brady* material.

### **VI. PROCEDURE**

The procedures contained in this directive will provide guidance to agency members is identifying, investigating, and disclosing potential *Brady* information. The principal manner for disclosing required information is to include it in the case documents provided to the prosecutor. The final determination regarding the requirement to disclose this information to the defendant rests with the prosecutor. Therefore, officer(s) should err on the side of caution and provide the information to the prosecutor when the requirement to provide it to the defendant is not clear. Officer(s) should direct questions regarding the disclosure to any information should consult their supervisor or the Chief of Police. The supervisor or the Chief of Police should consult the prosecutor regarding final determination, if necessary.

- A. Examples of *Brady* material that may be subject to disclosure include, but may not be limited to the following:

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1. Information that would directly negate the defendant's guilt concerning any count in the indictment.
  - a) Information that would cast doubt on the admissibility of evidence that the government plans to offer that could be subject to a motion to suppress or exclude.
  - b) Any criminal record or criminal case pending against any witness whom the prosecution anticipates calling.
  - c) The failure of any proposed witness to make a positive identification of a defendant.
  - d) Information that casts doubt on the credibility or accuracy of a witness or evidence.
  - e) An inconsistent statement made orally or in writing by any proposed witness.
  - f) Statements made orally or in writing by any person that are inconsistent with any statement of a proposed government witness regarding the alleged criminal conduct of the defendant.
  - g) Information regarding any mental or physical impairment of any governmental witness that would cast doubt on his or her ability to testify accurately and truthfully at trial.
  - h) Information that tends to diminish the degree of the defendant's culpability or the defendant's offense level under state or federal sentencing guidelines.
  - i) A finding of misconduct by an Arbitrator, Veteran's panel, or court that reflects on the witness's truthfulness, bias, or moral turpitude. This includes employees under suspension.
  - j) Evidence that a proposed witness has a racial, religious, or personal bias against the defendant individually or as a member of a group.
  - k) An officer's excessive use of force, untruthfulness, deceptiveness, dishonesty, bias or misconduct in conjunction with his or her service as a law enforcement officer.

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- l) Officer personnel files that are related to Brady Material shall be provided or open to the prosecution and as is consistent with law to the defense as part of a *Brady* disclosure.
2. Officer's Duty to Disclose Potential Brady Information
    - a) Officers shall disclose the existence of all notes, records, photos, videos, or audio recordings they possess to the prosecutor responsible for criminal cases in which the officer is involved. Documenting the existence of these records in the written report of the incident and attaching the images or media files in the manner provided for department-provided devices satisfies this requirement.
    - b) Officers shall not take videos, photographic images, or audio recordings with personal cellular phones, cameras, audio recorders, or any other device unless they document the existence of those records in their report and make the recordings, videos, or images available to the prosecutor.
    - c) The Chief of Police reserves the right to restrict officers from carrying personal devices capable of recording the information described in clause (b) on or into crime scenes or police incidents.
    - d) Officers field notes do not need to be disclosed if all pertinent information is included in their report.
- B. Department Duty to Disclose
    1. The Leech Lake Tribal Police Department has an affirmative duty to disclose and shall exercise due diligence to ensure that material of possible *Brady* relevance is made available to the office of the prosecutor, in consultation with and through the Leech Lake Legal Director and or County Attorney's Office in which the offense occurred.
    2. Although the defense is not required to request potential *Brady* material, it is this department's responsibility to disclose such material as soon as reasonably possible to the office of the prosecutor, for disclosure to the defense, or in time for effective use at trial. Responsibility for disclosing such material extends from indictment through the trial and sentencing process.



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3. The prosecution must disclose and allow the defense to inspect material within the prosecutor's possession or control that tends to negate or reduce the guilt of the accused for the offense.
  4. It is the prosecutor's responsibility to establish whether material disclosed by this department must be provided to the defense or seek a court's determination where in the discretion of the prosecution is required.
  5. Suppression of evidence favorable to the accused violates due process when the evidence is material to the guilt or to punishment, irrespective of good or bad faith. There is no distinction between "impeachment evidence" and "exculpatory evidence" for *Brady* disclosure purposes.
  6. Allegations that cannot be substantiated or sustained, are not credible, or have resulted in an individual's exoneration are not considered potential *Brady* Material. Pending allegations may be *Brady* Material.
- C. Officers duty to report
1. Officer adherence to Department directive and rules in all matters is imperative in the exercise of their office. Breaches of such rules and directives related specifically to honesty and veracity may have direct bearing on their ability to continue serving as a law enforcement officer.
  2. Officers whose history regarding integrity, honesty, veracity, credibility, and related matters have a negative bearing on their professional reputation, and may be subject to *Brady* disclosure requirements.
  3. It is the obligation of the individual officer to inform their supervisor of any elements of their employment as a police officer, information contained in investigative reports, or evidence connected with a criminal indictment or trial that they reasonably believe may be subject to *Brady* disclosure.
  4. It is the obligation of the individual officer to inform their supervisor of any on- or off duty conduct that he or she knows or reasonably should know is in violation of the Department Conduct Directive,

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including conduct that is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, disgraceful or that tends to reflect unfavorably upon the Department or its members

5. Supervisory officers are equally responsible for ensuring that they act with due diligence in identifying any potential *Brady* material connected with any civil or criminal proceeding for which they have oversight and for bringing such material to the attention of the prosecutor in a timely manner through established reporting procedures.
6. After reviewing potential *Brady* material, prosecutors will then make the determination of whether the material is Brady Material and subjected to *Brady* Disclosure Procedures.

### D. Investigating Brady Issues

1. If the Department receives timely, significant, credible information that a member has allegedly engaged in misconduct that reflects upon credibility and truthfulness, including falsifying police investigative reports, dishonesty, conduct that demonstrates a racial, religious or gender bias or engaging in non-traffic criminal activity, that information shall be communicated to the Office of the Chief of Police. The Chief shall determine if the information rises to the level in which an internal affairs investigation should be conducted. If so, the investigation will proceed in accordance with Department directive and the Leech Lake Legal Director will be kept updated on the investigation and informed of the findings. The Leech Lake Legal Director will notify the prosecuting attorney when, in his/her opinion, the findings are *Brady Information*.
2. Officers subject to Brady disclosure include those who:
  - a) are knowingly and intentionally untruthful, or
  - b) are otherwise dishonest in the course of their employment, or
  - c) practice biased discriminatory law enforcement, or
  - d) have demonstrated excessive police use of force conduct, or
  - e) have committed acts of moral turpitude

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- f) are subject to impeachment of testimony at trial. Such officers, of all ranks, including that of the Chief of Police, are subject to disciplinary action up to and including termination of employment.

### **VII. TRAINING**

All sworn law enforcement officers of this department shall receive training in *Brady* disclosure requirements.

### **VIII. RECORDS RETENTION**

It is the directive of the Leech Lake Tribal Police Department that records retention of *Brady* material is indefinite.

<b>DIRECTIVE 1106</b>	<b>Disciplinary Procedures</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to establish procedures for handling complaints and disciplinary actions against a member of the LLTPD.

**II. POLICY**

The purpose of discipline is to ensure members' conduct adheres to law and directive and that police services are thereby delivered consistently, without favoritism, and in a professional manner. The intention of discipline is to provide reminders of one's obligation to the organization regarding lesser violations so as to avoid larger violations in the future from which the employee's career may be unable to recover. The directive of the LLTPD is that discipline will be applied fairly and consistency and only when there is just cause and only after due process. These procedures ensure the prompt and thorough investigation of incidents and facilitate just disciplinary action, when warranted.

**III. SCOPE**

The scope of this directive includes violations of the LLBO General Administration Personnel Policies, the LLBO Drug Alcohol and Controlled Substances Directive, statutes, ordinances, Department rules or orders or actions of members of the LLTPD (i.e., sworn civilian, sworn officers and temporary employees) submitted to supervising officers by complainant or allegation made in person, by telephone or in written form, either signed or anonymous, or by any other manner of delivery the Chief deems reliable.

**IV. PROCEDURE**

A. Progressive Discipline – Disciplinary actions must always be dealt with in accordance with the LLBO General Administration Personnel Policies (GAPP), and shall be administered as follows:

1. Documented Verbal Reprimand – A documented (Employee Warning Report), verbal communication (in writing) to correct a LLTPD member for any violation of a directive, rule, regulation or procedure by the member's direct supervisor. This is the first step in progressive discipline.

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2. Written Reprimand – A documented (Employee Warning Report) reprimand issued a member of the LLTPD for any violation of a directive, rule, regulation or procedure by the member’s direct supervisor. This is the second step in progressive discipline and should only come after a documented verbal reprimand.
  3. Suspension – A documented (Employee Warning Report) reprimand issued along with one to five days without pay. This is the third and last step of progressive discipline to improve performance of the LLTPD member. Any subsequent violations may result in termination of employment.
  4. Termination of Employment – Termination of employment shall be in the form of verbal and written notice to the affected employee.
- B. Deviation from Progressive Discipline – As outlined in the GAPP, the LLBO recognizes there are certain types of situations that are serious enough to justify either an immediate suspension, or in extreme situations, termination of employment without going through the usual progressive discipline steps. If the supervisor determines that progressive discipline is not warranted in a particular situation, the supervisor shall document the reasons for not following progressive discipline and attach such documents when the Employee Warning Report is submitted to Human Resources. This report shall be submitted with the original Employee Warning Report.
- C. Examples of Behavior that may Warrant Disciplinary Action – While it is impossible to list every type of behavior that may cause disciplinary action, the following is a list of infractions and the GAPP directive that would apply in those instances:
1. Failure to comply with LLTPD rules and regulations. - 300.5 (b)
  2. Failure to report back in service immediately, upon completion of an assignment. – 300.5 (a)
  3. Failure to properly care for or use official Department equipment. – 300.5 (k)
  4. Take excessive time for meals and breaks. – 300.5 (g)(6)

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5. Failure to provide prompt, correct, courteous service. – 300.5 (g)(3)(5)(6)
  6. Failure to give full attention to the prevention of a crime by:
    - a) Lounging on post. – 300.5 (a)
    - b) Visiting with other officers other than for the exchange of information related to their assignments. -300.5 (a)
    - c) Parking in locations and in such a manner as to serve no useful purpose in preventing crime. – 300.5 (a)
  7. Transporting persons in a Department vehicle except for a proper law enforcement purpose or on police business without approval from the Chief or supervisor. – 300.5 (b)
  8. Leave assigned community or patrol area without authorization before designated time. – 300.5 (g)(5) or 400.10 (b)
  9. Failure to perform assigned tasks or submit required reports or records. – 300.5 (a)
  10. Report unfit for duty for reasons other than would justify action under other provisions of this order.
  11. A supervising officer fails to act when observing any of the above actions by a subordinate. – 300.5 (a)
- D. Disciplinary Actions – Any member of the LLTPD may be subject to reprimand, suspension from duty, reduction in rank, dismissal or any one or more of the foregoing penalties according to the nature of the offense.
- E. Reports of Disciplinary Action – Reports of Disciplinary Action shall immediately be forwarded to the Chief of Police for concurrence and then immediately forwarded to Human Resources for inclusion into the personnel file.

<b>DIRECTIVE 1201</b>	<b>Schedules &amp; Compensation Issues</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to establish and define the work schedules, rest and meal breaks.

**II. POLICY**

This directive outlines the procedures for work scheduling, rest and meal breaks. Nothing contained in this or any other section shall be interpreted to be a guarantee of a minimum or maximum number of hours employees may be assigned to work, per day or per week.

**III. SCOPE**

This directive applies to all employees of the Leech Lake Tribal Police Department.

**IV. PROCEDURE**

- A. Work Year – The work year for full-time employees is 2080 hours, average forty-hour week, accounted for by hours worked on assigned shifts, holidays, training and authorized leave time.
- B. Work Week – All full-time administrative staff will work a five-day or four-day, forty-hour schedule, subject to the LLTPD’s needs, between 8:00am – 4:30pm, or an equivalent number of hours approved and arranged with the Chief. Weekend and other hours when support staff is needed, may be scheduled by the Chief or other appropriate supervisory staff. Nothing contained in this or any other section shall be interpreted to be a guarantee of a minimum or maximum number of hours employees may be assigned to work, per day or per week.
- C. Break times – Generally – Each employee may take a thirty-minute lunch break. A rest break of fifteen minutes shall be provided to employees per each eight-hour shift (subsequent rest breaks allotted when working longer than an eight-hour shift. These break times will be utilized based on LLTPD needs and are not guaranteed to be allowed at the same times from day to day.

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- D. Lunch/Meal Breaks – All full-time law enforcement personnel that work scheduled eight to eleven and half-hour shifts, shall take a thirty-minute meal break during their shift and remain subject to call out period. Due to operational requirements, an officer may not be able to take their meal break during standard meal times. In these instances, the employee shall be allowed an alternate mealtime during the shift. Additionally, to maximize police response and service, meal breaks will be taken within the Leech Lake Reservation boundaries.
- E. Rest Breaks – All full-time law enforcement personnel that work scheduled eight to eleven and half-hour shifts shall be given an early shift rest break and a late shift rest break of fifteen minutes and remain subject to call-out during this period. Rest breaks shall be taken at a time that does not disrupt the operational functions of the Department. If an employee does not receive a rest break due to operational requirements, the break may not be taken during a subsequent shift. To minimize response time to service, all breaks will be taken in the officer's assigned patrol district.
- F. Sign-On and Sign-Off – Officers assigned vehicles equipped with radios shall begin and end their shifts by notifying the appropriate dispatcher of their status via use of standard 10-code. Officers shall begin and end their work shift within the geographical area, which they are assigned to patrol unless, due to operational requirements, it is not possible to do so.
- G. Regular Hours – General business hours for the LLBO Administrative offices is Monday through Friday from 8:00am – 4:30pm. The regular work week for LLTPD Administrative staff shall be 40 hours per week Monday through Friday. Essential services employees, consisting of, but not limited to; supervisors, line officers and dispatchers shall be required to work at least, 80.5 and 84 hours in a two-week period. The required 80.5/84 hours for essential services employees may be distributed over a two-week period as deemed by scheduling. The Police Chief/Assistant Police Chief whom is considered administrative staff may be authorized to work on specialized grant funded positions that have been made available to the LLTPD at overtime rate.
- H. Overtime/Compensatory Time – It is the directive of the LLBO to compensate all non-exempt employees required to work in excess of 80 hours per pay period. When overtime is required and authorized, the rate



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shall be not less than one and half times their regular hourly rate of pay. Officers may opt to use compensatory time, which will be credited at, not less than one and one-half (1.5) times regular hourly rate of pay. Compensatory time can only be authorized to facilitate the efficient and economical operations of the LLTPD. All overtime shall be approved by the Chief of Police. It is also the directive of the LLTPD that no employee shall be allowed to work for more than one entity or organization if such employment would create an overtime or compensatory situation within the LLTPD position. Any employee will only be allowed to accumulate a maximum of 80 hours of compensatory time in one calendar year; from January 1 to December 31. Compensatory time is not subject to compensation pay when an employee's employment has been separated.

- I. Holidays/Designated Days Off – When an employee works on a designated holiday, they shall receive holiday pay for all scheduled work hours within that holiday. The following are designated holidays:
  1. New Year's Day – January 1
  2. Martin Luther King Jr. Day – 3rd Monday in January
  3. Presidents Day- 3rd Monday in February
  4. Native American Day - Friday before Memorial Day
  5. Memorial Day - Last Monday in May
  6. Independence Day - July 4
  7. Labor Day - 1st Monday in September
  8. Veteran's Day - November 11
  9. Thanksgiving Day - 4th Thursday in November
  10. Christmas Eve – December 24
  11. Christmas Day – December 25
  12. Any other days as declared by the LLRTC
- J. Court Time/Off Duty Training – An employee who is required to appear in Court during his/her scheduled time off shall receive overtime or

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compensatory time only if they have exceeded their scheduled 80.5/84 hours, as dictated by the Overtime/Compensatory Time directive above.

- K. Call Out Time – Employees who are called back out to duty after completing their regular scheduled shift shall receive overtime or compensatory time for the call out only if they have exceeded their scheduled 80.5/84 hours, as dictated by the Overtime/Compensatory Time directive above.
- L. Travel/Training – Refer to LLBO Travel Directives.

<b>DIRECTIVE 1202</b>	<b>Training, Wages, Promotions &amp; Transfers</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to set the operational guidelines for training, competitive pay for LLTPD employees and opportunity for incentive to maintain long term employment to benefit the LLBO, the LLTPD and the people it serves.

**II. POLICY**

It is a common goal of the LLBO and the LLTPD to provide opportunities that will maintain a quality workforce. The following areas will assist in providing such opportunity; training, wage scale, promotions and transfers.

**III. SCOPE**

This directive applies to all employees of the Leech Lake Tribal Police Department

**IV. PROCEDURE**

- A. Training –In an effort to have qualified officers serve and protect the people of the Reservation, the LLTPD will provide training and on-the-job experience. The LLTPD will bear the expense of providing such training.
- B. Wage Scale – The LLTPD has an approved Wage Scale that offers pay rates competitive to those in local police departments, sheriff’s offices and townships that also respond to calls within the Leech Lake Reservation. Salary data shall be collected and analyzed annually by the Human Resources Department.
- C. Promotions – The LLTPD encourages its employees to apply for open positions within the LLTPD and the LLBO, requiring greater knowledge, responsibility and offer career growth. Promotions from within will be considered by Human Resources based on qualifications, experience and years of service with LLTPD, and will be done according to the LLBO General Administration Personnel Policies (GAPP).
- D. Transfers – Transfers will generally require following the normal hiring process, including interviewing and being the selected candidate for any given position, according to the LLBO General Administration Personnel Policies (GAPP).

<b>DIRECTIVE 1203</b>	<b>Probationary Period</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this order is to establish procedures and educate employees of the established probationary period.

**II. POLICY**

The established probationary period is denoted here to guide management and employees during the probationary period. The probationary period shall be regarded as an extension of the examination process and shall be used by supervisors and the LLTPD for closely observing the employee's work and for terminating employees whose performance does not meet the required work standards. All employees will be afforded opportunity to improve their behaviors and performance by way of Progressive Discipline as outlined in the General Administration Personnel Policies.

**III. SCOPE**

This directive applies to all newly hired employees of the Leech Lake Tribal Police Department with less than twelve (12) calendar months uninterrupted employment, and to those employees whose probationary period is extended beyond one year for the duration of the extension.

**IV. PROCEDURE**

- A. Duration – Every person hired by the LLTPD shall be subject to an internal, departmental one-year probationary period. The probationary period shall begin immediately upon hire, and continue for twelve (12) calendar months of uninterrupted employment.
- B. The performance of all probationary employees shall be reviewed throughout the probationary period by their immediate supervisor. The probationary employee's performance level shall be communicated to the employee by their immediate supervisor and used as a basis for continued development. The immediate supervisor must address any performance or employee behavior issues through Employee Warning Reports (EWRs), in a good faith effort to assist in correcting any performance or behavior issues. For Human Resources and benefits purposes, there will be an official Performance Evaluation completed at the conclusion of 90-days' uninterrupted employment.

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- C. Termination – A department head may terminate a probationary employee any time during the probationary period, provided steps have been taken and documented (EWRs) to assist the employee in correcting performance or behavior issues.
- D. Extension of Probation Period – The department head may extend the probation period of a probation employee up to an additional six months or 1040 hours beyond the normal duration. The department head shall notify the employee and the payroll specialist in writing as to the reason for the extension. The probationary period may also be extended due to the employee's illness or other leave of absence.

<b>DIRECTIVE 1204</b>	<b>Extra-Duty &amp; Secondary Employment</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The intent of this directive is to provide guidelines for LLTPD employees to inform them of the types of secondary employment that are appropriate and to establish procedures to maintain accountability of the LLTPD.

**II. POLICY**

For the efficient operation of the LLTPD and for the protection of the community, it is essential that secondary employment must be regulated. It is thus the directive of the LLTPD to establish criteria to govern the off-duty, extra duty and secondary employment of its employees.

**III. SCOPE**

This directive applies to all sworn officers of the LLTPD, whether within or outside the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Extra-Duty Employment Regulations**

1. Police officers may not engage in extra-duty employment regulated by this directive until it is approved by the Chief of Police. Officers shall submit a written request to the Chief providing:
  - a) The name and address of the employer.
  - b) The name of the business owner or local manager.
  - c) The principal location where the work will occur.
  - d) The nature of the work.
  - e) The hours per week or month the officer expects to work.
  - f) A signed statement that the officer acknowledges that the extra-duty employment is secondary to full-time employment with LLTPD and a declaration that the officer will not allow the secondary employment to interfere with their LLTPD duties.

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2. Subject to the Chief's approval, police officers may generally engage in extra-duty employment as follows:
    - a) When a government, for-profit or not-for-profit entity has a contractual agreement with the LLTPD for officers in uniform who are able to exercise their police powers.
    - b) Types of extra-duty services that may be considered for contracting include the following:
      - (1) Traffic control and pedestrian safety.
      - (2) Crowd control
      - (3) Security and protection of life and property
      - (4) Routine law enforcement for public authorities
      - (5) Plain clothes assignment
- B. Off-Duty Employment Regulations- Employees may engage in off-duty employment that meets the following criteria:
1. Employment of a non-police nature where vested police powers is not a condition of employment. The work provides no real or implied law enforcement service to the employer and is not performed during one's assigned hours of duty.
  2. Employment that presents no potential conflict of interest between their duties as a police officer and their duties for their secondary employer. Some examples of employment representing a conflict of interest are as a process server, repossession agent, bill collector, a position involving towing of vehicles or in any other employment that police authority might tend to be used to collect money or merchandise for private purposes.
  3. Personal investigations for the private sector or any employment that might require the police officer to have access to police information, files, record or services as a condition of employment.
  4. Any employment that requires a police uniform in the performance of tasks other than that of a police nature.

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5. Any employment which assists (in any manner) case preparation for the defense of any criminal or civil proceeding.
  6. Any employment for a business or labor group that is on strike.
  7. In occupations that are regulated by, or must be licensed through, the LLTPD or its civilian board.
  8. Employment constituting a threat to the status or dignity of the police as a professional occupation. Examples of employment presenting a threat to the status or dignity of the police profession:
    - a) Establishments that sell pornographic books, magazines, sexual devices or videos or that otherwise provides entertainment or services of a sexual nature.
    - b) Employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
    - c) Gambling establishments not exempted by law.
- C. Off-Duty and Extra-Duty Employment Limitations
1. In order to be eligible for off-duty employment, a police officer must be in good standing with the LLTPD. Continued departmental approval of an officer's off-duty employment is contingent on such good standing.
  2. Those officers who have not completed their probationary period, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.
  3. Prior to obtaining off-duty employment, an officer shall comply with departmental procedures for granting approval of such employment, or for registration for extra-duty employment.
  4. An officer may work a maximum of 24 hours of off-duty regular or extra-duty employment, or a total of 64 hours in combination with regular duty in each calendar week.
  5. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the officer's performance of duty.



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6. An officer engaged in any off-duty employment is subject to call-outs in case of an emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.
7. Permission for an officer to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not in the best interests of the Department.

<b>DIRECTIVE 1205      Supervision of Part-Time Licensed Peace Officers</b>
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**Effective Date: 08-01-2017**

**I.      PURPOSE**

The purpose of this directive is to establish guidelines that will provide for the supervision of part-time licensed peace officers, employed by the LLTPD and authorized to execute powers of arrest and to carry a firearm.

**II.     POLICY**

It is the directive of the LLTPD that part-time, licensed peace officers employed by the Department and authorized to execute powers of arrest and to carry a firearm, will be supervised while on active duty status by the Chief, Sergeant or nearest full-time licensed peace officer that is on duty.

**III.    SCOPE**

This directive applies to all sworn part-time licensed law enforcement officers and conservation officers of the Leech Lake Tribal Police Department with arrest powers, those full-time licensed officers who supervise them and communications dispatchers, while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV.    PROCEDURE**

- A.      Dispatchers, Jailers and Office Staff, who possess part-time peace officer licenses are not deemed to be on active status (as defined by MN P.O.S.T Rule 6700.1105 Subpart 2.) while performing regular duties not requiring a part-time or full-time peace officer license.
  
- B.      Active Duty Status – A part-time licensed peace officer is considered to be on active duty status when the officer is:
  - 1.      Scheduled to work a shift as a police officer and reports for duty.
  - 2.      Called out to work in the capacity of a police officer.
  - 3.      Required to respond to an emergency and is authorized to do so by the Chief, Assistant Chief of Police, Sergeant and/or field supervisor.

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4. Required to perform a function and/or duty requiring a part-time or full-time peace officer license with the authorization of the Chief, Assistant Chief of Police, Sergeant and/or field supervisor.
- C. Reporting for Duty – A part-time licensed peace officer, responding to active duty status shall inform Dispatch immediately. This notification can be made by radio, telephone or in person. Dispatch shall advise the part-time licensed peace officer who their designated supervisor is. The on-duty Sergeant or field supervisor nearest the location of the duty area for the part-time licensed peace officer will act as the supervisor. In the event there is not a Sergeant on duty, the full-time licensed LLTPD peace officer nearest the part-time officer's duty area shall act in this capacity.
- D. Required Supervision – The required supervision of the part-time licensed peace officer shall be provided in the following manner:
1. Direct radio communication
  2. Direct telephone communication
  3. Communication via Fax
  4. Direct supervision by the designated supervisor at the location of the part-time peace officer.
- E. Designated Supervisor – A full-time licensed peace officer assigned to serve as the part-time licensed peace officer's designated supervisor, shall be advised of the designation as soon as he/she comes on duty or when the situation arises making the designation necessary. Notification will be made in one of the following manners:
1. Radio
  2. Telephone
  3. In person
- F. The full-time licensed peace officer assigned to serve as the part-time licensed peace officer's designated supervisor will be responsible for assuring that the part-time licensed peace officer performs his/her duties in a manner consistent with the LLTPD's directives and procedures and applicable state and federal laws.

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- G. The designated supervisor shall remain the same during the duration of an assigned shift and shall not be replaced unless the designated supervisor goes off-duty before the part-time licensed peace officer. In these cases, another designated supervisor shall be assigned.
- H. Under no circumstances shall a part-time licensed peace officer remain on duty, or be called out to active duty status when a full-time licensed peace officer is not on duty to serve as designated supervisor.
- I. A part-time licensed peace officer shall inform his/her designated supervisor when he/she has completed his/her scheduled shift from active duty status. This notification shall be accomplished in the following manner:
  - 1. Radio
  - 2. Telephone
  - 3. In person

<b>DIRECTIVE 1301</b>	<b>Impartial Policing</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This directive is intended to reaffirm the LLTPD's commitment to impartial/unbiased policing and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner to all.

**II. POLICY**

The purpose of this directive is to set the guidelines for impartial and unbiased policing, so officers can reaffirm the LLTPDs commitment to the public.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Policing Impartially**

1. Investigate detentions, pedestrian and vehicle stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures.
2. Except as provided in 1c, below, officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause.
3. Officers may consider the descriptors in 1b, above, of a specific suspect(s) based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or groups of individuals. This information

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may be used in the same manner officers use specific information regarding age, height, weight, etc. about specific suspects.

- B. Preventing Perception of Biased Policing – Procedural Guidelines – In an effort to prevent the perception of biased law enforcement, officers shall utilize the following guidelines:
  - 1. Be respectful and professional.
  - 2. Introduce or identify yourself to the citizen and state the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety.
  - 3. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense.
  - 4. Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact, including relevant referrals to other agencies when appropriate.
  - 5. Provide your name and badge number when requested, preferably in writing or on a business card.
  - 6. Explain to the individual(s) if you determine that the reasonable suspicion was unfounded (example, after an investigative stop).
- C. Supervision and Accountability – Supervisors shall ensure that all personnel in their command are familiar with the content of this directive and are operating in compliance with it.

<b>DIRECTIVE 1302</b>	<b>Hate Crimes</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This directive is designed to assist employees in identifying crimes motivated by bias toward an individual's race, religion, ethnic background and/or sexual orientation and to define appropriate steps for assisting victims and apprehending suspects.

**II. POLICY**

It is the directive of the LLTPD to safeguard all tribal, state and federal rights of all individuals irrespective of their race, religion, ethnic background or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe on these rights is viewed very seriously by the LLTPD and will be given high priority. The LLTPD will use every necessary resource rapidly and decisively to identify perpetrators, arrest them and take vigorous enforcement action. Recognizing the fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far-reaching negative consequences of these acts on the community and the LLTPD, particular attention shall be given to addressing the security and related concerns of the immediate victim as well as their families and others affected by the crime.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Initial Response Procedures – When an officer at the scene of an incident believes that a crime may have been motivated by racial, religious, ethnic or sexual orientation bias (RRES), the officer shall take any preliminary actions necessary, such as:
  - 1. Determine whether any perpetrators are present and take appropriate enforcement measures.
  - 2. Restore order to the crime scene and take necessary actions to gain control of the situation.
  - 3. Identify injured parties and take steps to provide medical assistance.

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4. Identify witnesses or others who have knowledge of the crime.
  5. Protect the crime scene.
  6. Summon a field supervisor to the scene.
- B. Supervisor Responsibility – The supervisor shall confer with the initial responding officer, take measures to ensure that all necessary preliminary actions have been completed. The supervisor shall request appropriate additional personnel necessary to accomplish the following:
1. Provide immediate assistance to the crime victim, such as:
    - a) Express empathy for the victim and show a sincere interest in the victim's well-being.
    - b) Express to the victim(s) the LLTPD's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrators and the officer's and department's interest in the victim's well-being.
    - c) Allow the victim a period to share their immediate concerns and feelings.
    - d) Assist the victim with identifying and contacting individuals or agencies that may provide assistance. This may include family members or close acquaintances, clergy or community service agencies that provide advocacy services, shelter, food, clothing, child care or other related services.
    - e) Provide security and precautionary advice to the victim and arrange for additional security that may be required for the protection of the victim.
  2. Conduct a standard preliminary investigation to include preliminary interviews of the victim and witnesses to the incident.
  3. Ensure all relevant facts are documented on the incident and/or arrest report. Make an initial determination as to whether the incident should be classified as an RRES offense.
- C. Investigator Responsibility – Investigative personnel assigned to alleged RRES incident shall be responsible for the following:



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1. When responding to the scene of an alleged RRES incident investigators shall assume control of the follow-up investigation. This includes:
  - a) Assure the scene is properly protected, preserved and processed and all physical evidence of the incident is removed as soon as possible. If any evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall) the owner of the property shall be contacted as soon as possible and the investigator shall follow-up to ensure that this is accomplished in a timely manner. Conduct a comprehensive interview with all victims and witnesses at the scene or as soon as possible thereafter and canvass the neighborhood for additional sources of information.
  - b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
  - c) Work closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution.
  - d) Coordinate the investigation with agency, state and regional intelligence operations. These sources may provide the investigating officer with an analysis of any patterns, organized groups and suspects potentially involved in the offense.
  - e) Coordinate the investigation with other units of the agency and with outside agencies, when appropriate.
  - f) Maintain contact with the initial responding officer, keeping him/her informed of the status of the case.
  - g) Make a final determination as to whether the incident shall be classified as an RRES crime.
  - h) Complete reports necessary to comply with statistical reporting requirements for hate crimes.
2. Investigative officers shall also take the lead role in providing ongoing assistance to the crime victim to include:
  - a) Contact the victim periodically to determine whether the victim is receiving adequate and appropriate assistance.

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- b) Provide ongoing information to the victim about the status of the criminal investigation.
- D. Community Relations/Crime Prevention
- 1. RRES crimes are viewed in the community not only as a crime against the targeted victim, but also as a crime against the victim's racial, religious, ethnic or sexual orientation group.
  - 2. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, help prevent additional RRES incidents and encourage any other previously victimized individuals to step forward and report those crimes.
  - 3. Towards this end, the LLTPD's community relations function, or officers so assigned shall:
    - a) Meet with neighborhood groups, residents in target communities and other identified groups to allay fears, relay the LLTPD's concern and response to this and related incidents, reduce the potential for counter-violence, and provide safety, security and crime prevention information.
    - b) Provide direct and referral assistance to the victim and to the victim's family.
    - c) Conduct public meetings on RRES threats and violence in general and as it relates to specific incidents.
    - d) Establish liaison with formal organizations and leaders.
    - e) Expand, where appropriate, existing prevention programs such as anti-hate seminars for school children.

<b>DIRECTIVE 1401</b>	<b>Law Enforcement Data Systems</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The following procedures are intended to be used as an aid to improve the use of the CJIS/NCIC systems by this department. This Directive is not intended to be all inclusive, nor shall it supersede any CJIS/NCIC directives presently in effect. Rather, it is to be used as a quick reference when using the CCH/III, the CJDN system and CJIS/NCIC “Hot Files”

Should there be a conflict between this Directive and CJIS/NCIC directive, the CJIS/NCIC directive shall be adhered to. Furthermore, any future CJIS/NCIC directive changes shall be adopted immediately until such changes can be incorporated into this Directive.

**II. POLICY**

The Leech Lake Tribal Police Department will adhere to the directives and procedures of the Criminal Justice Information System (CJIS) and the National Crime Information Center (NCIC). All members of the Leech Lake Tribal Police Department will create, use, maintain, store, preserve, and dispose of information retrieved from the FBI's NCIC and the National Law Enforcement Telecommunications System (NLETS) in accordance with the CJIS/NCIC Security Directive.

**III. DEFINITIONS**

- A. *CCH/III*: Computerized Criminal History
- B. *CJDN*: A dedicated statewide network that provides instant access to criminal justice information such as criminal background information, driver license and motor vehicle registration data, as well as other data. This network is interfaced with the NCIC network that provides nationally indexed criminal and “hot” files. The CJDN is also interfaced with the NLETS, which links local, state and federal agencies together for the purpose of exchanging criminal justice information interstate.
- C. *CJIS*: Criminal Justice Information System
- D. *DVS*: Driver and Vehicle Services, a division of the Minnesota Department of Public Safety. For the purposes of this Directive, a provider of driver license and vehicle registration information to law enforcement agencies, officers, and staff. Law enforcement queries of this data is restricted to official law enforcement

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purposes. Release of the data by the law enforcement agency or officer is generally restricted or prohibited.

- E. *Hit*: A positive response from MNJIS and/or NCIC in which the person or property inquired about appears to match the person or property contained in the response. Queried subject appears to match the record subject.
- F. *Hot Files*: Missing person files and stolen/lost property files maintained in NCIC
- G. *NCIC*: National Crime Information Center
- H. *TAC*: A designated police department staff member serving as liaison to the Minnesota Bureau of Criminal Apprehension (BCA). The TAC has the ability to add and disable users and is also responsible to update training for users and certification within the Leech Lake Tribal Police Department for use of the PS Portals 100 Browser-based public safety workstation. This is the system in which the CJDN is operated.
- I. *Personally Identifiable Information (PII)*: PII is any information that permits the identity of an individual to be directly or indirectly inferred, including any information which is linked or linkable to that individual. Any FBI CJIS provided data may include PII. A criminal history record for example inherently contains PII as would a Law Enforcement National Data Exchange (N-Dex) case file.

#### **IV. PROCEDURE**

- A. System Security
  - 1. Inquiries into the motor vehicle registration, driver license, criminal history or any other file in the MNJIS/NCIC systems will be performed for Criminal Justice purposes only.
  - 2. All Leech Lake Tribal Police personnel must adhere strictly to the standards, procedures, formats, codes and criteria as set forth to assure the proper operation of the system. Accuracy and promptness are essential.
  - 3. Security of Terminal
    - a) Unauthorized access to or routine viewing of CJDN terminals or CJDN data is not allowed. The terminals must be secure from unauthorized use. To protect the terminals, access will be restricted to police department employees. The terminals will be placed in such a manner that they cannot be viewed by non-department employees or the public.

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- b) All personnel who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS systems must successfully pass a fingerprint-based background check.
- c) Criminal History responses, as well as all other CJDN printouts will be destroyed when no longer needed. These documents will be shredded at the Leech Lake Tribal Police Department.

### 4. Authorized Personnel

- a) CJDN Operators: Access to the CJDN shall be limited to employees of the Leech Lake Tribal Police Department who have been certified by the BCA to operate the terminal. CJDN operators, sworn officers and civilians who have terminal access (including MDT's) shall be trained and certified within six months of hire or assignment and biennially thereafter.
- b) CJDN Operators will be provided with a security logon to allow them access to the system. Those conducting CCH/III inquiries will be required to have the proper NCIC-CCH Certification level. The employees authorized to conduct CCH/III inquiries will be restricted. The Chief of Police, or his designee, will make the determination of who will be authorized to conduct CCH/III inquiries. The TAC will issue a unique username and password to authorized users with access to the CJDN and Portal 100. Authorized users will be given a unique password to have access to criminal histories. This Criminal History Password will be changed by the TAC at least every 2 years. A list of these assigned passwords shall be kept by the TAC.
- c) Authorized personnel who have unescorted access to the police department shall be fingerprint background checked
- d) Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to Criminal Justice Information, including CJDN terminal operators, appropriate IT staff, consultants, vendors, contractors, and any other personnel who have access to FBI Criminal Justice Information.
- e) Sworn and Uniformed Personnel: NCIC requires that all sworn and uniformed personnel must receive basic, formal MNJIS/NCIC training within the first 12 months of hire, and annual refreshers thereafter. All training of sworn officers must be documented.

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- f) Leech Lake Tribal Police employees who, by nature of their position or assignment, are required to sign any user agreement or obtain certification to access data systems governed by this directive are required to do so, as a condition of employment. Failure to enter into a required user agreement or obtain a required certification may make the employee ineligible for employment.
5. Background Checks - Thorough background screening is required of all employees, sworn and non-sworn, who will have access to CJIS/NCIC. New employees of the Leech Lake Tribal Police Department shall be fingerprinted within 30 days of employment or assignment and the fingerprint cards shall be sent to the BCA for a background check. A potential new employee of the Leech Lake Tribal Police Department shall have a background check completed before they are hired. When running the criminal history on that person, the appropriate purpose code shall be used. Fingerprint cards on CJDN operators are to be kept by the Leech Lake Tribal Police Administrative Assistant.
6. Misuse of CJDN
- a) If the Terminal Agency Coordinator (TAC) becomes aware of an employee using a CJDN terminal, CJDN terminal generated information, CJDN equipment, or CJDN access in a manner that is not in accordance to Leech Lake Tribal Police Department Directives or NCIC directive and the problem is deemed merely operator error or substandard job performance, the TAC will contact the employee and advise him/her of the problem and provide additional training to correct the issue.
  - b) If the above step does not rectify the problem, or the problem is deemed to be greater than mere operator error or substandard job performance, the TAC will submit a report to the immediate supervisor and the Chief of Police. At this time, the TAC may suspend the employee's CJDN access until an investigation is conducted.
    - (1) If the investigation does not substantiate that the employee was in violation of Leech Lake Tribal Police Department Directives or NCIC Directive, the supervisor will contact the Chief of Police and the TAC requesting to reinstate the employee's CJDN terminal access.
    - (2) If the investigation substantiates that the employee was in violation of Leech Lake Tribal Police Department Directives or NCIC Directive,

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disciplinary action may be taken against the employee in accordance with Leech Lake Tribal Police or LLBO. The TAC will deny CJDN terminal access to the employee until directed by the Chief of Police to change this status.

(3) If the TAC determines that an employee is using a CJDN terminal, CJDN terminal generated information, CJDN equipment, or CJDN equipment access in a manner not in accordance with Leech Lake Tribal Police Department Directives or NCIC directive, and there is evidence that the employee is performing this action as a result of intentional misconduct that could be in violation of state or federal statute, the TAC will submit a report to the Chief of Police for review. If the misconduct is deemed to be criminal, the Chief of Police will determine the appropriate action consistent with department directives governing allegations of misconduct of a department member.

(4) In certain cases where criminal intent is involved or the actions involved have or will impact upon more than just the Leech Lake Tribal Police Department, the TAC may (after review by the Chief of Police) also forward the above report to the Minnesota Department of Public Safety, Control Terminal Officer (CTO) and/or to the FBI/NCIC Criminal Justice Information Services.

7. Safeguarding Personally Identifiable Information (PII) Extracted From Criminal Justice Information (CJI).
  - a) PII shall be extracted from CJI for the purpose of official business only and shall only be accessed when there is a need for the information that relates to official duties. This includes driver license and vehicle registration information and photographs accessed through the DVS website, Portals, MyBCA or by any other means of providing restricted information to law enforcement officers or agencies.
  - b) PII extracted from CJI may be disseminated only in accordance with CJIS Security Directive, the laws and statutes of the State of Minnesota, the ordinances of the LLBO and the directives of the Police Department.
  - c) PII extracted from CJI may not be left unattended and unsecured and may be saved, stored, or hosted only on agency equipment. PII extracted from CJI in electronic form must be encrypted. Paper

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documents containing PII extracted from CJJ must be under the control of the employee or stored in a space where access control measures are employed to prevent unauthorized access by members of the public or other persons without a need to know (e.g., the police department office where access is controlled by a key or card reader). The retention of PII extracted from CJJ should not to extend beyond the records retention schedule adopted by the Department or LLBO. Appropriate destruction techniques (shredding or electronic wiping) shall be used to dispose of PII extracted from CJJ.

- d) Any employee that suspects or knows that PII extracted from CJJ has been handled in a way that violates this directive, the directives of the Police Department, the ordinances of the LLBO, the laws and statutes of the State of Minnesota, or CJIS Security Directive must report the incident to a supervisor as soon as it is suspected or confirmed. Section IV.A.4. Discipline for Misuse of CJDN shall be followed.
  - e) The Local Agency Security Officer shall conduct periodic assessments to support directive compliance and ensure that appropriate security measures to protect PII extracted from CJJ are in place.
- B. Dissemination of Information - Data in the computerized "Hot Files" and CCH/III are documented criminal justice information. Access is restricted to authorized criminal justice agencies for Criminal Justice purposes.
- C. Criminal History
1. The ability to access the state and national files through the CJIS computer by means of a terminal device or satellite computer, is limited to criminal justice agencies in the discharge of their official mandated responsibilities.
  2. Training - Personnel performing CCH/III inquiries will complete the BCA/CJIS or TAC training as appropriate. They will be required to have appropriate NCIC certification.
  3. Authorized Personnel - The employees authorized to conduct CCH/III inquiries will be restricted. The Chief of Police, or his designee, will make the determination who will be authorized to conduct CCH/III inquiries.
  4. Release of Information - ALL information obtained through a CCH/III inquiry is restricted to law enforcement use only. This includes not only positive



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results but also any negative results of an inquiry. Copies may be given to the prosecuting attorney as part of a case file when requesting charges on the subject. The Secondary dissemination log should be completed whenever a CCH is distributed.

5. Who May Request a CCH/III
  - a) A sworn officer of this department for purposes of a criminal investigation, permits for explosives, licensing, gun permits, and background checks on new department personnel.
  - b) The LLBO Administrator or Human Resources department is authorized to receive limited CCH data pursuant to an employment background check if the LLBO has enacted legislation specifically authorizing the LLTPD to do so. Only a summary of the results of the CCH may be released by the Police Department to the hiring or licensing authority.
  - c) It shall be the directive of this department that all other requests be referred to the BCA.
6. Criminal History Inquiry - Criminal history inquiries shall be made as follows, on a terminal designated for the inquiry:
  - a) QH / QHN / QHM
  - b) QR / QRN / QRM
  - c) IQ
  - d) FQ
  - e) AQ
  - f) QPGC
7. Retention - Hard copies of a CCH/III printout will not be retained after the case has been completed, unless being referred to the applicable prosecuting attorney for charging. Copies not being referred for charging will be destroyed by shredding.

### D. Hot Files

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1. Before an item can be entered in the Hot Files, a theft report describing the item, including the serial number or owner applied number, must be filed with the Leech Lake Tribal Police Department.
  2. A check of all appropriate sources for information (e.g. DNR, DVS, etc.) shall be performed and documented in the case file.
  3. Hot File entries, modifications and cancellations will be performed by Leech Lake Tribal Police personnel.
  4. Second Party Verification: Leech Lake Tribal records personnel other than the entering party will conduct a 2<sup>nd</sup> party verification check of information entered in the NCIC/CJIS Hot Files. LLTPD records staff will verify Hot Files entered by another agency on behalf of the LLTPD. This verification should include querying and reviewing the record, ensuring that the record is 'packed' with all available information, that any available cross-checks (e.g., driver license and motor vehicle records) were made, and that data contained in the NCIC record matches and is documented by data in the police report. The Second Party check will be documented in the case file.
- E. Stolen Vehicle File
1. Initial Stolen Report: Verification that the vehicle is owned by the party making the stolen report will be made by the officer taking the report. This will be done by showing proof of ownership through a registration check or the possession of a vehicle title. A copy of this proof of ownership will be attached to the case file.
  2. If possible, the vehicle will be entered the same day it is reported stolen, or the next business day, by the applicable Sheriff's Office or other law enforcement agency under agreement with the LLTPD or LLBO, or authorized personnel of this department. A copy of the CJIS/NCIC printout will be attached to the report.
- F. Recovered/Returned Stolen Vehicle - When the vehicle is recovered, the officer receiving that information will have notify the dispatch center or records staff to remove the vehicle from the "Hot File". The officer will request the dispatcher to request a copy of the cancel notification showing the CJIS/NCIC numbers be sent to our state printer. A hard copy of this print-out will be added to the report. A supplemental report will be made advising what action was taken.

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### G. Stolen/Recovered Gun File

1. The Gun File is designed to provide law enforcement agencies with a central location for the maintenance and retrieval of information on stolen and recovered guns. Any gun with a unique serial number or owner applied number that meets the requirements of CJIS Operations Manual section 6.2 may be entered into the CJIS/NCIC Gun File.
2. Initial Report - An officer taking the report will obtain the unique serial number or owner applied number, the brand name, model name or number, caliber or gauge, type, date of the theft (not the date of the report), barrel size and any other unique feature of the gun.
3. Entry to Gun "Hot File" - The gun will be entered the same day it is reported stolen/recovered, if possible, or the next business day, by the applicable Sheriff's Office or personnel of this department with the EG function. A copy of the CJIS/NCIC printout will be attached to the report.
4. Cancellation of "Hot File" Entry - When a gun is located/recovered or this department releases a recovered gun to another agency, insurance company or owner and does not physically have the gun in possession it will immediately be removed from the "Hot File" by notifying the Sheriff's Office that made the Hot File entry. A copy of the cancellation shall be requested and attached to the report. A supplemental report will be made concerning the action concerning the cancellation.
5. Recovered Stolen Gun, Locate Message - When a stolen gun is recovered by this department, a locate message will be sent to the entering agency. This will be done on the same day as the recovery, if possible, or the next business day.

### H. Stolen Article File

1. The Article "Hot File" is designed to provide law enforcement agencies with a central location for the maintenance and retrieval of information on stolen articles. Any item with a unique serial number or owner applied number that meets the criteria of CJIS Operations Manual Section 7 may be entered into the CJIS/NCIC "Hot File".
2. Initial Report - An officer taking the report will obtain the unique serial number or owner applied number, the brand name, model name or number,

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type, date of the theft (not the date of the report), and any other unique feature of the article.

### 3. Entry to Article "Hot File"

- a) The article will be entered the same day it is reported stolen, if possible, or the next business day, by the applicable Sheriff's Office or office personnel of this department. via the EA function. A copy of the CJIS/NCIC printout will be attached to the report.
- b) The article will be entered the same day it is reported stolen, if possible, or the next business day by the office personnel of this department. A copy of the CJIS/NCIC printout will be attached to the report.
- c) The rules and procedures covering the entry of an article into the "Hot File" are covered in the CJIS Operations Manual Section 7.

4. Cancellation of "Hot File" Entry - When a stolen article is located/recovered or this department releases a recovered article to another agency, insurance company or owner and does not physically have the article in possession the LLTPD member receiving this information will cause it will be removed immediately from the "Hot File" by the agency that entered the record into the Hot File. The LLTPD member shall request a copy of the cancellation and attach it to the report. A supplemental report will be made concerning the action covering the cancellation.

5. Recovered Stolen Article, Locate Message - When a stolen article is recovered by this department, a locate message will be sent to the entering agency. This will be done on the same day as the recovery, if possible, or the next business day.

### I. Stolen/Recovered Boat

1. The Boat "Hot File" is designed to provide law enforcement agencies with a central location for the maintenance and retrieval of information on stolen and recovered boats. Any boat with a unique serial number or owner applied number that meets the criteria of CJIS Operations Manual Section 5 may be entered into the CJIS/NCIC "Hot File".
2. Initial Report - An officer taking the report will obtain the unique serial number or owner applied number, the brand name, model name or number,

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type, date of the theft (not the date of the report), and any other unique feature of the boat.

### 3. Entry to Boat "Hot File"

- a) The boat will be entered the same day it is reported stolen/recovered, if possible, or the next business day the applicable Sheriff's Office or office personnel of this department. A copy of the CJIS/NCIC printout will be attached to the report.
- b) If other items, including the trailer and outboard motor, are taken with the boat, they will be entered as a supplemental trailer and add-on boat parts, to the stolen boat entry.
- c) The boat will be entered the same day it is reported stolen/recovered, if possible, or the next business day by the applicable Sheriff's Office or by the office personnel of this department. A copy of the CJIS/NCIC printout will be attached to the report.
- d) The rules and procedures covering the entry of a boat into the "Hot File" area covered in the CJIS Operations Manual.

4. Cancellation of "Hot File" Entry - When a boat is located/recovered or this department releases a recovered boat to another agency, insurance company or owner and does not physically have the boat in possession, the LLTPD member receiving the information will request the agency that entered the record to the "Hot File" to remove the boat from the "Hot File". A copy of the cancellation will be requested and attached to the report. A supplemental report will be made covering the action covering the cancellation.

5. Recovered Stolen Boat, Locate Message - When a stolen boat is recovered by this department, a locate message will be sent to the entering agency. This will be done on the same day as the recovery, if possible, or the next business day.

## J. Stolen Securities

1. The Securities "Hot File" is designed to provide law enforcement agencies with a central location for the maintenance and retrieval of information on stolen, embezzled, missing or counterfeited securities. Any security with a

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unique serial number that meets the criteria of Section 8, CJIS Operations Manual may be entered into the CJIS/NCIC "Hot File".

2. Initial Report - An officer taking the report will obtain the unique serial number, the type of security, date of the theft (not the date of the report), and any other unique feature of the security.
  3. Entry to Security "Hot File"
    - a) The security will be entered the same day it was reported stolen, if possible or the next business day, by the applicable Sheriff's Office or office personnel of this department. A copy of the CJIS/NCIC printout will be attached to the report.
    - b) The rules and procedures covering the entry of a security into the "Hot File" are covered in the CJIS Operations Manual, Section 8.
  4. Cancellation of Hit File Entry - When a security is located/recovered, LLTPD personnel receiving the locate information will request the agency that made the "Hot File" entry to immediately remove it from the "Hot File". A copy of the cancellation will be attached to the report. A supplemental report will be made concerning the action covering the cancellation.
- K. Identity Theft - Before an entry can be made in the Identify Theft File, an official report (electronic or hard copy) must be recorded and on file at the Leech Lake Tribal Police Department. Our agency may make an NCIC Identity Theft entry only if we are the agency that takes the identify theft complaint and the following criteria are met:
1. Someone is using a means of identification of the victim,
  2. The identity of the victim is being used without the permission of the victim.
  3. The victim's identity is being used or intended to be used to commit unlawful activity.
  4. The victim must sign a consent waiver, which can be found on the CJDN secure site, prior to the information being entered into the Identify Theft file.
  5. Information on deceased persons may be entered into the file if it is deemed by the police officer that the victim's information has been stolen. No consent form is required with the entry of deceased person information.

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6. If the Identify Theft file is going to contain the Social Security Number of the victim, the Leech Lake Tribal Police Department is required to inform the individual of this fact and they must sign the "Notice about Providing Your Social Security Number" form, which can be found on the CJDN secure site.
- L. Missing/Endangered Persons - See Directive 303
- M. Hit Confirmation
1. When Leech Lake Tribal Police receives a potentially matching record(s) in response to an NCIC inquiry, a 'hit' must be confirmed, using the YQ message, on any record(s) that appear(s) to have been entered for the person or property inquired upon prior to taking any of the following actions based upon the NCIC record:
    - a) Arresting the wanted person,
    - b) Detaining the missing person,
    - c) Seizing the stolen property, or
    - d) Charging the subject with violating a protection order.
  2. Additionally, the 'hit' must be confirmed before detaining an individual on local charges where the individual appears identical to the subject of the wanted person record *and is within the geographical area of extradition.*
  3. Confirming a hit means to contact the controlling agency to:
    - a) Ensure that the person or property inquired upon is identical to the person or property identified in the record;
    - b) Ensure that the warrant, missing person report, protection order, or theft report is still outstanding; and
    - c) Obtain a decision regarding:
      - (1) the extradition of a wanted person when applicable,
      - (2) information regarding the return of the missing person to the appropriate authorities,
      - (3) information regarding the return of stolen property to its rightful owner, or

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- (4) information regarding the terms, conditions, and service of a protection order.
  - d) Determine if the entering agency wants the record to be located when the missing person was identified by partial body parts.
4. Hit confirmation procedure is based on two levels of priority: Urgent and Routine.
- a) Priority 1: Urgent - The hit must be confirmed within 10 minutes. In those instances where the hit is the only basis for detaining a suspect or the nature of a case requires urgent confirmation of a hit, priority 1 should be specified.
  - b) Priority 2: Routine - The hit must be confirmed within 1 hour. Generally, this priority will be used when the person is being held on local charges, property has been located under circumstances where immediate action is not necessary, or an urgent confirmation is not required.
5. After establishing the priority level, Leech Lake Tribal Police will then follow these procedures:
- a) Upon receipt of a hit confirmation request from another agency, Leech Lake Tribal Police personnel will respond using the appropriate YR message within the designated timeframe, i.e., a positive or negative confirmation or notice of the specific amount of time necessary to confirm or reject.
  - b) If a substantive response to a Hit Confirmation request is not received by the Leech Lake Tribal Police within the designated timeframe, a second request should be generated with a copy to its CSO and to the CSO of the agency that originated the record. The CSO (or his/her designee) of the originating agency will initiate appropriate action to ensure proper response to a hit confirmation request and to comply with System standards. The CSO action must include canceling the record.
  - c) If Leech Lake Tribal still fails to receive a response, Dispatch should then notify the NCIC Quality Control staff by a third message with a copy to the CSAs involved. (Failure on the part of any CSA to ensure such compliance will be brought to the attention of the APB.)



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- d) The National Law Enforcement Telecommunications System, Inc. (NLETS) is the recommended network for hit confirmation. Even if the initial confirmation is handled via telephone, NLETS should be used for documentation. NLETS has created an inquiry (YQ) and a response (YR) format for hit confirmation. Responsibilities for the hit confirmation process are shared between Leech Lake Tribal Police and the agency that enters the record.
- e) Every agency upon taking a person into custody identifying a missing person, or acquiring property, after confirming the hit, a locate will be placed on the corresponding NCIC record(s) by Leech Lake Tribal Police Department or the agency entering the record. Exception: If the missing person has been positively identified by partial body parts, determine if the entering agency wants the record to be located. The record may remain in NCIC for future positive identification in the event additional body parts are subsequently recovered.
- f) Copies of the hit, hit confirmation responses and locates should be attached to the case file.

### N. Hot File Validation Directive

1. To ensure that only accurate information is retained in the "Hot Files," validation reports will be provided to this department by the BCA/CJIS. The validation procedure will verify that the record is complete, accurate and still outstanding or active. This includes verifying the information contained in the Hot File with the complainant and/or insurance company. Validation reports include all current Leech Lake Tribal Hot File entries. Validation takes place 60 - 90 days from the date of entry and yearly thereafter. A LLTPD records technician will complete the validation process.
2. Procedure
  - a) Once a month validation information will be provided by the BCA/CJIS section that contain Leech Lake Tribal Police "Hot File" information for missing persons (including runaways), boats, license plates, vehicle parts, vehicles guns and securities.
    - (1) Validation is accomplished by reviewing the entry and current supporting documents. The original report will be reviewed and the

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information contained in the “Hot File” validation report will be verified with the information in the original report.

(2) A letter will be sent to the owner and/or complainant listing the information on the original/validation report. This letter will request that the owner and/or complainant verify the information contained is correct and that the item/person has not been located.

(3) The verification information will be noted on the validation printout.

b) Corrections - If information contained on the validation printout is found to be inaccurate, the “Hot File” entry will be corrected or removed from the “Hot File”. Any corrections or removals will be noted on the original report.

c) Record Retention - When the validation procedure is completed, the validation printout will be retained in a file per the Leech Lake Tribal Police Record Retention schedule.

### O. Local Agency Security Officer (LASO)

1. The Local Agency Security Officer (LASO) shall be appointed by the Chief of Police.

2. Local Agency Security Officer (LASO) Responsibilities.

a) The LASO shall be the liaison between the department and the CJIS System Agency Information Security Officer (CSA ISO).

b) The LASO is responsible for ensuring that the department complies with both the FBI *CJIS Security Directive* and CJDN Security Directive.

c) Each LASO shall be responsible to:

(1) Identify who is using the CSA approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.

(2) Identify and document how the equipment is connected to the state system.

(3) Ensure that personnel security screening procedures are being followed as stated in the FBI CJIS Security directive.

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- (4) Ensure the approved and appropriate security measures are in place and working as expected.
- (5) Support directive compliance and keep the state/federal ISO informed of security incidents.
- (6) Physical security of all MNJIS terminals;
- (7) Users receive initial security training and on-going security training as outlined in the FBI CJIS Security Directive.

### **V. TRAINING**

All Leech Lake Tribal Police personnel authorized to perform entries or queries, or otherwise operate or possess data regulated by this Directive, or with un-escorted access to open data terminals, will comply with all training and certification requirements required by the BCA for their level of access.

### **VI. SANCTIONS**

Members who violate provisions of this Directive are subject to disciplinary action up to and including termination from employment. Violations constituting violations of Minnesota Statutes or U.S. Code violations may subject the member to state or federal criminal prosecution.

<b>DIRECTIVE 1402</b> <b>Computers &amp; Electronic Messaging Devices</b>
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**Effective Date: 08-01-2017**

**I.      PURPOSE**

It is the purpose of this directive to provide officers with guidance on the proper use of personal computers and related electronic messaging systems utilized in this agency for purposes of accessing and storing criminal justice data, creating and storing agency records, disseminating electronic mail, utilizing services of the Internet and related electronic message transmission, recording and storage devices.

**II.     POLICY**

The availability and use of the personal computer within the work environment have provided many opportunities for enhancement of productivity and effectiveness. These technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can also have damaging effects on this agency, its members, and the public if not managed properly. Therefore, it is the directive of this agency that all members abide by the guidelines set forth herein when using personal computers and the services of both internal and external databases and information exchange networks, and where applicable, voice mail, mobile digital terminals, and related electronic messaging devices.

**III.    SCOPE**

This directive This directive applies to all employees and volunteers of the Leech Lake Tribal Police Department with access to data systems, electronic files, or electronic points of access to departmental or criminal justice data networks while on or off-duty, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV.    DEFINITIONS**

- A.    *Electronic Messaging Device (EMD):* For purposes of this directive, electronic messaging devices include personal computers, tablets, laptops, smart phones, personal data assistants (PDA), electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and Internet services, mobile digital terminals, and facsimile transmissions, and any other device capable of functions similar to the listed items.
  
- B.    *System Administrator:* For purposes of this directive, the member of this agency designated with responsibility for managing all aspects of electronic messaging through individual computers and computer networks within this agency.

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- C. *Personal Computer or PC:* Any agency or personally-owned computing device that provide access to the agency's network, data files or electronic communications system. This includes both on and off-duty access or usage.

### **V. PROCEDURE**

#### A. General

1. The following procedures apply to all media which are:
  - a) Created, stored or accessed on or from departmental premises;
  - b) Accessed using department computer equipment or department paid access methods;
  - c) Communications that make reference to the department in a manner; and/or
  - d) Used in a manner that identifies the employee with the department, with the exception of employee's personal use of social media which is governed by other LLTPD directive.
2. All data maintained on Departmental devices or storage media shall be maintained as prescribed by Minnesota laws, LLBO rules, and department directive governing the storage, release, and retention of agency data.
3. Transmission of electronic messages and information on communications media provided for employees of this agency shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence, or verbal communication.
4. This agency encourages authorized and trained personnel with access to EMDs to utilize these devices whenever necessary. However, use of any of these devices is a privilege that is subject to revocation.
5. EMDs and their contents—with the exception of personally-owned software authorized for installation on agency computers—are the property of this agency and intended for use in conducting official business with limited exceptions noted elsewhere in this directive.
6. Members are advised that they do not maintain any right to privacy in EMD equipment or its contents, to include personally owned software installed on agency devices or used to access agency data.

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7. Computer repairs shall be made by agency authorized and approved sources.
8. Accessing or transmitting materials (other than that required for police business) that involves the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group, or classification of individuals is prohibited whether or not a recipient has consented to or requested such material.
9. Confidential, private, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the following:
  - a) Transmittal of personnel information, such as performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related employee information.
  - b) Criminal history information, DVS files, and confidential informant master files, identification files, or related information.
  - c) Investigative files and information containing confidential or private data on individuals as defined by Minnesota Statutes, Chapter 13.
  - d) Any sensitive security, tactical, or undercover information.
10. Employees may not attempt to read or “hack” into other systems or logins; “crack” passwords; breach computer or network security measure; or monitor electronic filings or communications of other employees or third parties except by explicit direction of the Chief of Police or pursuant to a search warrant.
11. Members may not forward, post to electronic bulletin boards, or otherwise provide or give, in any format or manner, any data which is obtained through the course of their employment, to any person not authorized to receive, possess or view the data.
12. No e-mail or other electronic communications may be sent that attempts to hide the identity of the sender or represents the sender as someone else or someone from another agency, unless authorized by the Chief of Police as part of an investigation.

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13. Media may not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
  14. Employees may not copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner or except for a single copy for reference use only.
  15. No member shall access or allow others to access any file or database unless that person has a need and a legal right to receive, possess, or view such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.
  16. An EMD is designed and intended to conduct business of this agency and is restricted to that purpose. Installation of or access to software for purely entertainment purposes is prohibited. Exceptions to business use include the following:
    - a) Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this directive, and if not connected with a profit-making business enterprise or the promotion of any product, service, or cause that has not received prior approval of this agency.
    - b) Personnel may make off-duty personal use of agency computers for professional and career development purposes when in keeping with other provisions of this directive and with prior knowledge of an appropriate supervisor.
    - c) Personnel may also utilize department devices for “casual” use of the internet during designated breaks.
- B. Importing/Downloading Information and Software
1. Members shall not download or install on their agency PC or network terminal any file (including sound and video files and files attached to e-mail messages), software, or other materials from the Internet or other external sources without taking prescribed steps to preclude infection by computer viruses.

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2. Members shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
  - a) Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by authorized agency personnel.
  - b) Privately owned software may be loaded on agency computers if approved by the system administrator.
  - c) Privately owned software may be removed if it conflicts with departmental hardware or software, interferes with the ability of other members to access or utilize the EMD, or occupies excessive storage space needed by the agency.
3. Members shall observe copyright restrictions of any documents, images, or sounds sent through or stored on electronic mail.
4. Any hardware enhancements or additions to agency-owned equipment must be approved and authorized by the system administrator. The system administrator is responsible for determining proper installation procedures.
5. Members shall not permit unauthorized persons to use this agency's electronic mail system.
6. To avoid breaches of security, members shall log off any personal computer that has access to the agency's computer network, electronic mail system, the Internet, or sensitive information whenever they leave their workstation.
7. Nothing in this directive authorizes any member to access, store, maintain, or share data with other individuals where such activity is contrary to US or Minnesota law, LLBO rules, or other LLTPD directive.



<b>DIRECTIVE 1403</b>	<b>DVS Access</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

This directive will provide guidelines and communicate expectations to members of the Leech Lake Tribal Police Department regarding lawful access to driver license and motor vehicle registration data available to law enforcement agencies through the Driver and Vehicle Services law enforcement data.

**II. POLICY**

Law enforcement agencies that rely upon data provided by the Minnesota Driver and Vehicle Services (DVS) law enforcement database must ensure that their access is limited in scope and purpose to that specified by Minnesota law to allow continued access to this critical data. The LLTPD is committed to preserving individual's privacy rights and maintaining lawful access to DVS files. It is the directive of the LLTPD that all employees with access to DVS data are informed of Minnesota statutes and federal laws regarding the security and confidentiality of division records.

It is further the directive of this agency that officers and members will only access DVS data on an individual will only do so for a lawful law enforcement purpose. LLTPD members will complete all training required by the Minnesota Department of Public Safety regarding access to law enforcement computer-based databases and files. Agency members will not provide DVS data gained through the rights of access granted to them as members of this agency to any person not authorized by statute and directive to view or receive it. Agency members also commit to maintaining the security of terminals or devices with DVS access, usernames, and passwords.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and other members of the Leech Lake Tribal Police Department with access to driver license and vehicle registration databases provided by the Minnesota Department of Public Safety while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. REFERENCES**

Minnesota Statutes, Chapter 13  
Minnesota Statute § 138.17  
Minnesota Statute § 168.346

Government Data Practices  
Government Records  
Vehicle registration data private

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Minnesota Statute § 171.07 Subd. 1a	Classifies Driver License photos as private data
Minnesota Statute § 171.12 Subd. 7(d)	Driver license data private
United States Code (USC) 18 U.S.C. 2721	Driver license data private

### **V. PROCEDURE**

- A. Each employee will sign the DVS data statement to review their roles and responsibilities in securing DVS data. All new employees must sign the DVS data statement and take the online test prior to accessing DVS Privileges. LLTPD members are not authorized DVS access until they have completed the training and the certification process required by DVS.
- B. Members will be assigned personal login identification code(s) and password(s) by the DVS division. Members may not share their DVS login identification code(s) and password(s) information. Members who suspect someone has obtained their login identification code(s) and password(s) must notify your supervisor and DVS immediately.
- C. The following DVS directives regarding security and confidentiality of data and records apply to all employees of DVS and any Leech Lake Tribal Police staff who have access to DVS data.
  - 1. Access to DVS records is granted and authorized only for the purposes of carrying out assigned job duties and functions related to your employment within Leech Lake Tribal Police.
  - 2. Access to data is only to be used during work hours and only when necessary to do your job unless authorized by the Chief of Police.
  - 3. All LLTPD employees are required to adhere to the Leech Lake Tribal Police Directives governing access to criminal justice data.
  - 4. Members may not disclose or disseminate contents of any DVS records to anyone unless authorized to do so and they are legally permitted to view or possess the data.
  - 5. Members may not access DVS records for other than official law enforcement purposes.
  - 6. Members shall refer any DVS query involving a friend or relative – even if authorized for a law enforcement purpose – to a supervisor for processing.

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7. Members may not conduct queries on their own DVS records.
8. Members may not conduct queries on the DVS records of other LLTPD employees without a law enforcement need authorized by a supervisor.
9. Members may not tamper with DVS records in any manner. This includes creating or helping others to create a fraudulent representation of a DVS record. Members are required to report to any instances of suspected records tampering to a supervisor.
10. Members shall report to a supervisor any request by another employee to perform any action prohibited by this directive.
11. All record access involving Social Security Numbers (SSN) information, including SSA (Social Security Administration) verification request information, is monitored electronically and maintained in audit files. These files are reviewed periodically to ensure employee compliance with DVS directive as well as applicable state and federal laws.

### D. DVS Record Storage and Disposal

1. All employees are responsible for secure handling, storage, and disposal of documents containing personal, private, confidential, or restricted information as specified US and Minnesota laws protecting private data on individuals.
2. "Personal Information" is information that identifies an individual, including an individual's photograph, social security number, driver's license number, name, date of birth, address, telephone number, and medical or disability information.
3. When working with DVS documents or electronic files that contain personal information, employees must ensure that the document is stored or destroyed in a way that does not reveal personal information to anyone not entitled to see it.
4. DVS requires employees to use secured means when disposing of documents that contain personal or private information. For example, do not throw away driver's license receipts, registration or title information, or records printouts without making sure that the personal information is irretrievable.
5. All sensitive documents containing personal information must be either

immediately shredded or disposed of in the proper disposal containers. DVS provides locked disposal bins to ensure secure document destruction and disposal. The contents within these bins are securely shredded and recycled.

## **VI. SANCTIONS**

DVS access violations are serious issues and can subject those persons performing unauthorized queries and their departments to criminal and/or civil penalties. Violations of this directive may result in criminal charges and disciplinary action up to and including discharge. Potential consequences include:

- A. Criminal prosecution under one or more of the following Minnesota Statutes:
  - 1. Section 609.43, which is punishable by one year imprisonment and \$3,000 fine, prohibits misconduct by a public employee
  - 2. Section 609.63, which is punishable by three years' imprisonment and \$5,000 fine, includes tampering with or destroying records in the definition of forgery
  - 3. Section 13.09, which is a misdemeanor and just cause for suspension without pay or dismissal from public employment, prohibits disclosure of non- public data
  - 4. Minnesota Statutes Section 43A.38 contains public employee ethics provisions which prohibit receipt of compensation, gifts, favors, etc. and prohibits use of information or an employee's official position for gain.
- B. Possible criminal prosecution under the following Federal Law
  - 1. United States Code, Title 18, Section 2722-2725, which may include criminal fines and/or civil action. Remedies the court may impose include:
  - 2. Actual damages, but not less than liquidated damages in the amount of \$2,500
  - 3. Punitive damages upon proof of willful or reckless disregard of the law
  - 4. Reasonable attorneys' fees and other litigation costs reasonably incurred by the victim of the unauthorized query; and
  - 5. Such other preliminary and equitable relief as the court determines to be appropriate.



<b>DIRECTIVE 1501</b>	<b>Predatory Offender Registration &amp; Notification</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide members of the Leech Lake Tribal Police Department with a directive providing guidance to provide the community with the maximum information authorized by law relating to the release of predatory offenders consistent with the requirements of public safety and the legal rights of the offender; and to ensure compliance with the requirements of MN Statutes 243.166, 244.052 and chapter 13 to provide for the registration of predatory offenders.

**II. POLICY**

It has been found that when the public is provided with adequate notice and information concerning a predatory offender who has been or is about to be released from custody, and who resides or will reside in or near their neighborhood, the community can develop constructive plans to prepare themselves and their children for the offender's release. It is the directive of the Leech Lake Tribal Police Department to facilitate the registration of predatory offenders, and to provide community notification regarding the release of those offenders as designated by statute, while preserving the rights of those offenders.

**III. SCOPE**

This directive applies to all sworn officers and other members of the Leech Lake Tribal Police Department engaged in the discharge of official duties, whether within or outside of the territorial limits of the LLBO.

**IV. PROCEDURE**

- A. Required Registration Procedures - An offender must register under Minnesota Statute 243.166 if the offender was charged with, or petitioned for, a felony violation of or attempt to violate any of the offenses listed in Minnesota Statute 243.166 Subd. 1b.
- B. Registration Process – The central repository for registration is the Minnesota Bureau of Criminal Apprehension.

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1. Predatory offenders on State or Federal Probation, parole or supervised release are required to register with a corrections agent as soon as one is assigned. Copies of the registration form are forwarded to the following:
    - a) Bureau of Criminal Apprehension (original and one copy). The BCA shall forward this information to the law enforcement agency with primary jurisdiction over the location where the offender is expected to reside.
    - b) Corrections Agent
    - c) Department of Corrections – Sex Offender/Chemical Dependency Services Unit if appropriate.
    - d) Offender
  2. If an offender does not currently have a Minnesota or Federal Corrections Agent because the offender is no longer under supervision, they shall register with the law enforcement agency with primary jurisdiction over the location in which they reside. Copies of the Registration form as provided by the BCA shall be provided within two (2) working days as follows:
    - a) BCA (original and copy) along with a completed fingerprint card (as provided by the BCA) and a photograph.
    - b) Agency files.
    - c) Offender
- C. Change of Address Requirement – MN Statute 243.166 requires an offender who starts living at a new address including living in another state, to give written notice of the new living address to the assigned correctional agent or to the law enforcement authority with which the person is currently registered. The offender must make this notice at least five (5) days before beginning to live at the new address.
1. Offenders who have no primary address are required to register with the law enforcement agency that has jurisdiction in the area where the person is staying within 24 hours of when they no longer have a primary address or with the agency having jurisdiction of a new area they begin staying in within 24 hours of entering the new jurisdiction.
  2. Predatory offenders that are on State or Federal probation, parole, or supervised release are required to register with their assigned corrections

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agent. The corrections agent shall forward the Change of Address Form as provided by the Minnesota BCA to the Bureau of Criminal Apprehension within two (2) working days. Copies of the registration form are forwarded to the following:

- a) Bureau of Criminal Apprehension (original and one copy). The BCA shall forward this information to the law enforcement agency with primary jurisdiction over the location where the offender expects to reside.
  - b) Corrections Agent
  - c) Department of Corrections – Sex Offender/Chemical Dependency Services Unit, if appropriate.
  - d) Offender
3. If an offender does not currently have a Minnesota or Federal Corrections Agent because the offender is no longer under supervision, they shall register their address change with the law enforcement agency with primary jurisdiction over the location in which they reside. Copies of the Registration form as provided by the BCA shall be provided within two (2) working days as follows:
- a) BCA (original and copy) along with a completed fingerprint card (as provided by the BCA) and a photograph. Law Enforcement Agency with primary jurisdiction over the location in which the offender intends to reside.
  - b) Agency files
  - c) Offender
- D. Offenders From Other States – When the state accepts an offender from another state under the reciprocal agreement under the interstate agreement, the acceptance is conditional on the offender agreeing to maintain a current registration under this section while the offender lives in Minnesota.
1. Offenders who have been convicted or adjudicated, or released from confinement in another state of a comparable offense requiring registration within the last ten years, even if they are no longer under supervision, are required to register if they have moved to Minnesota after July 1, 1995 and remain longer than 30 days. They are to register with the law enforcement



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agency with primary jurisdiction over the location in which they live. The original and one copy of the Registration Form, along with a completed fingerprint card (as provided by the BCA) and a photograph, is to be forwarded to the BCA.

2. The offender will be advised of the requirements of MN Statute 609.3461, Subdivision 3, which requires offenders under supervision from another state to make arrangements with their supervising agent to provide a biological sample for purposes of DNA testing. The cost for obtaining the biological specimen is the responsibility of the supervising agency.
- E. Registration Period – An offender must comply with the registration requirement until ten years have lapsed since the person was initially registered for the offense, or until the probation, supervised release or conditional release period expires, whichever occurs later.
1. Registration Verification
  2. Each year, within 30 days of the anniversary date of the person’s initial registration the BCA shall mail a verification to last reported address of the person.
  3. The person shall mail the signed verification form back to the BCA within 10 days after receipt of the form, stating on the form the current and last address of the person.
  4. If the person fails to mail the form back to the BCA within 10 days after the receipt of the form, the person will be in violation of this section.
  5. Criminal Penalty – If an offender is required to register under this section and the offender violates any provisions or intentionally provides false information to a corrections agent or law enforcement officer, the offender is guilty of a gross misdemeanor. Any violation of this section may be prosecuted where the offender resides or where the offender was last assigned to a Minnesota corrections agent.
  6. An offender who fails to provide their change of address information may also be subject to an additional five (5) year period of registration.
  7. Subsequent convictions for failure to register are a felony.
- F. Data Practices

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1. All Predatory Offender Registration Data contained on the Minnesota Predatory Offender Registration Form is private data to be used for law enforcement purposes.
2. However, data provided by the Department of Corrections and data obtained from other sources other than the Minnesota Predatory Offender Registration Form may be disclosed as for the purposes of community notification as described below.

### G. Reports

1. An incident report must be completed on all predatory offenders reported to the LLTPD. This report shall contain all data with respect to their past criminal record including MO's if known.
2. The LLTPD will assist an offender in completing a Predatory Offender Notification and Registration Form and/or Predatory Offender Change of Address Notice for offenders registering with the Department.
3. All completed forms must be promptly mailed to the Minnesota BCA, Attn: POR Unit, 1430 Maryland Avenue East, St. Paul Minnesota 55106
4. A copy of all completed forms will be retained for the departmental records.

### H. Community Notification – Release from Prison or Treatment Facility

1. Upon receipt of notice of End of Confinement Review Committee meeting:
2. Prior to the release of a sex offender covered by notification, the DOC is required to convene an End of Confinement Review Committee to assign the offender a risk level.
  - a) The DOC will notify the law enforcement agency responsible for the charge resulting in confinement of the time and place of the End of Confinement Review Committee meeting and that the agency may provide information in writing that may be relevant to the offender's risk level
  - b) Upon receipt of the notice for the DOC, the agency should respond by providing the End of Confinement Review Committee the additional information the agency believes is relevant to the risk level assignment or respond to the End of Confinement Review Committee that no additional

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information is currently available. In any case, a response to the End of Confinement Review Committee should be made promptly.

3. Upon receipt of End of Confinement Review Report and Records - Pursuant to MN Statute 244.052, subdivision 3(f), not less than 60- days before an offender is released from confinement by the Commissioner of Corrections or Commissioner of Human Services, the State End of Confinement Review Committee is required to provide to the appropriate law enforcement agency all relevant information the Commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. Except when an offender is imprisoned in a Minnesota Department of Corrections facility for less than 90 days, the report and relevant data will be provided as soon as it becomes available, MN Statute 244.052, subdivision 5.
4. Upon receipt of assessment and data, the department will open a file in the offender's name. The data contained in this file will be treated as public data, except for those portions designated by the DOC or other responsible authority with some other classification.
5. As soon as reasonably possible upon receipt of the assessment and data, but not more than 30 days, the agency which was responsible for the charge resulting in confinement shall review and determine whether or not to request that the Committee conduct a re-assessment of the assigned risk level. In making the determination, the agency may consult with other appropriate law enforcement and prosecutorial agencies. A request for reassessment shall list all facts and circumstances arising after the initial assignment or facts and circumstances known to law enforcement but not considered by the Committee.
6. If the agency determines to seek re-assessment, a written request the re-assessment, along with all supporting data, shall be forwarded to the Director of the Sex Offender/Chemical Dependency Services Unit as soon as reasonably possible.
7. Once the requested review is completed, or if the agency accepts the original risk level assessment, the agency shall proceed with preparation of the community notification plan, consistent with the offender's assigned risk level.

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8. Within five (5) days after receiving the offender's approved release plan from the office responsible for adult releases, the appropriate department shall give to the law enforcement agency having primary jurisdiction where the offender plans to reside, all relevant information the department has concerning the offender, including information on risk factors in the offender's history and the risk level to which the offender was assigned.
9. Community Notification Plan – For each offender who falls within this section of the directive, a community notification plan will be established. Upon receipt of the information described in the Disclosure of Information to the Public section of this directive, a good faith effort shall be made to complete the plan at least 14 days after the receipt of the offender's confirmed address.
  - a) The notification plan will be consistent with the risk level assessment established by the DOC and include the preparation of an Offender Fact Sheet or the use of the fact sheet(s) provided by the DOC.
  - b) An Offender Fact Sheet shall, at minimum, include:
    - c) Date the fact sheet was issued.
    - d) Minnesota State Identification Card.
    - e) The Agency responsible for the fact sheet.
    - f) Legal Authority under which the fact sheet was prepared.
    - g) A method of contacting the Law Enforcement Agency for further information.
    - h) Statement of Offenders Rights.
    - i) The name, date of birth and physical description of the offender.
    - j) A recent photograph if available.
    - k) A Statement of Offense for which the offender was convicted or other legal basis for the offender's confinement.
    - l) A brief description of the facts of that offense. The description should be written in a manner that shall not disclose the identity of the victims of or witnesses to the offense. The description of the offense should be

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written so as to not unreasonably arouse the anger of those who review it or jeopardize the safety of the offender. The agency may use the offense summary information provided by the End of Confinement Review Committee for the offense summary.

- m) The DOC assigned Risk Level.
- n) The address at which the offender intends to reside. In most circumstances, this should not include the specific street number of the residence.
- o) The scope of the Community Notification Law.

10. Law Enforcement Disclosure of Information to the Public – The law enforcement agency in the area where the predatory offender resides, expects to reside, is employed or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under the sections of this directive deemed necessary to protect the public and to counteract the offender's dangerousness. The extent of the information disclosed and the community to whom disclosure is made must relate only to, and include, all of the following:

- a) The level of danger posed by the offender.
- b) The offender's pattern of offending behavior.
- c) The need of the community for information to enhance their individual and collective safety.

11. Level I – Disclosure of Information to the Public – For a Risk Level I Offender, a fact sheet shall be distributed as follows:

- a) Mandatory Disclosure
- b) Victims. The fact sheet or information contained within, shall be given to by the law enforcement agency responsible for the community notification, in person or by the phone, to the victims of the offense committed by the offender.
- c) Adult members of the offender's immediate household.
- d) Offender. The offender shall be mailed the fact sheet.

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- e) Discretionary disclosure
  - f) Any witnesses to the offense committed by the offender who have requested disclosure if that request has been made known to the agency, and if the agency is provided an address for the witness(es) with which to communicate the information.
  - g) Any other law enforcement agency where the offender is likely to be encountered.
  - h) Offender criminal history records may be disclosed to the extent such a record is classified as public data and as authorized under Criminal History Conviction Data section of this directive.
  - i) Requests for data not contained in the Fact Sheet shall be provided in accordance with section VII of this directive.
12. Level II – Disclosure of Information to the Public-For a Risk Level II Offender who is placed in a Residential Facility, disclosure shall be as follows:
- a) Mandatory Disclosure
  - b) Disclosure shall be made to all persons and entities that Level I disclosures would be made.
  - c) Discretionary Disclosure
  - d) Additional Level II disclosure may not be made until the head of the facility notifies the Commissioner of Corrections or the Commissioner of Human Services that the offender's placement or residence in the facility is scheduled to end. Upon receipt of this notification, the agency may make disclosures as authorized in section: v, below.
  - e) For a Risk Level II Offender not placed in a Residential facility, a Fact Sheet shall be distributed as follows:
    - f) Mandatory Disclosure
    - g) Disclosure shall be made to all persons and entities that Level I disclosures would be made.
    - h) Discretionary Disclosure

## *Directives of the Leech Lake Tribal Police Department*

- i) Additional disclosure may be made to the following groups and agencies the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care when they are on or near the premises of the institution.
  - j) In determining the public and private educational institutions, day care establishments, and other establishments and organizations, if any, who will be given the fact sheet under this provision, the Leech Lake Tribal Police Department will consider the offender's prior history, offense characteristic, employment, recreational, social and religious interests; and the characteristics of likely victims. The Department shall consult with any other law enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.
  - k) The Department may also disclose the information to individuals the Department believes are likely to be victimized by the offender. The Department's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the DOC or Human Services. Such groups may include:
    - (1) Public and private educational institutions including staff.
    - (2) Day care establishments including staff.
    - (3) Establishments and organizations that primarily serve individuals likely to be victimized by the offender.
    - (4) Offender criminal history records may be disclosed to the extent such public record is classified as public data and as authorized under section: 7.22 of this directive.
    - (5) Requests for data not contained in the fact sheet shall be provided in accordance with sections: 7.12 through 7.18.3 of this directive.
13. For a Risk Level II Offender not placed in a Treatment Facility, a Fact Sheet shall be distributed as follows:
- a) Mandatory Disclosure
  - b) Disclosure shall be made to all persons and entities that Level I disclosure will be made.
  - c) Discretionary Disclosure

## *Directives of the Leech Lake Tribal Police Department*

- d) Additional disclosure may be made to the following groups and agencies the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care when they are on or near the premises of the institution.
  - e) In determining the public and private educational institutions, day care establishments, and other establishments and organizations, if any, who will be given the fact sheet under this provision, the Leech Lake Tribal Police Department will consider the offender's prior history, offense characteristic, employment, recreational, social and religious interests; and the characteristics of likely victims. The Department shall consult with any other law enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.
  - f) The Department may also disclose the information to individuals the Department believes are likely to be victimized by the offender. The Department's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the DOC or Human Services. Such groups may include:
    - g) Public and private educational institutions including staff.
    - h) Day care establishments including staff.
    - i) Establishments and organizations that primarily serve individuals likely to be victimized by the offender.
    - j) Offender criminal history records may be disclosed to the extent such a public record is classified as public data and is authorized under section 7.22 of this directive.
    - k) Requests for data not contained in the fact sheet shall be provided in accordance with section 7.12 through 7.18.3 of this directive.
14. Level III – Disclosure of Information to the Public-For a Risk Level III Offender who is placed in a Residential Facility, disclosure shall be as follows:
- a) Mandatory Disclosure
  - b) Disclosure shall be made to all persons and entities that Level I disclosures would be made.
  - c) Discretionary Disclosure



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- d) Additional disclosure of the fact sheet shall be made to any other members of the community the offender is likely to encounter.
- e) In determining the establishments and organizations whom will be given the fact sheet under this provision, the Department may consider the offender's prior history, offense characteristics, employment, recreational, social and religious interests; and the characteristics of likely victims. The Department shall consult with any other law enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.
- f) The Department shall meet with community members including a public meeting, as defined by MN Statute 451.705, in the area where the predatory offender will reside or is likely to be found. If a public meeting is determined not to be appropriate for a specific case, the reason the meeting was not held shall be documented in the Department's case files.
- g) The Department shall make reasonable efforts to notify members of the community through appropriate use of public information resources, including news media.
- h) In conducting a community notification meeting, the Department will give due regard to and address the essential components of the community notification fact sheet created under this directive. The Department shall consider and use as appropriate a variety of informational approaches, which may include:
  - i) Description of the Community Notification Law and Sex Offender Registration Law.
  - j) Relevant information concerning the offender who is subject to the notification.
  - k) Information that will promote public safety and protection from other offenders that may be subject to notification.
  - l) An explanation of the rights of the offenders to be free of legal harassment.
- m) Assistance of community leaders, other officials and relevant professional disciplines.

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- n) Information relevant to the scope of notification for the offender who is subject to notification.
  - o) Information about what to do or who to call if the offender is encountered or concerning the offender's activities.
  - p) General personal safety and crime prevention tips, fact sheets or related materials.
  - q) Information concerning general sex offender and predatory offender characteristics.
15. Exchange of Information between law enforcement agencies
- a) The Department may provide any data in its possession obtained under the community notification or predatory registration statutes to another law enforcement agency that is initiating or conducting an investigation, or to assist that law enforcement agency in conducting community notification or predatory offender registration.
  - b) Re-Notification
16. When an offender notifies the Department of the intent to move from the jurisdiction or within the jurisdiction, the department shall:
- a) Assist the offender in completing the Predatory Offender Change of Address Notice. Once completed, a copy of the form shall be sent to the Chief Law Enforcement Officer of the jurisdiction which the offender intends to move, and the Minnesota BCA. A copy will be retained for the Department.
  - b) Upon request of the agency in the jurisdiction to which the offender intends to move, the Department shall provide the agency with all information pertaining to the offender in its possession which is requested.
  - c) The Department shall periodically review all community notification files to determine if re-notification of the community is appropriate. In making that determination, the Department shall consider the nature and characteristics of the community, including the extent of changes in its population and membership.

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- d) Upon receipt of a reclassification of an offender risk level, the Department shall proceed with the development and distribution of Community Notification Plan as set in section 712 through 7.18.3.

### 17. Community Notification: Sentencing Guidelines Dispositional Departures

- a) Pursuant to MN Statute 244.10, Subdivision 2a, in any case in which a person is convicted of an offense which requires registration under MN Statute 243.166, and the presumptive sentence under the sentencing guidelines is commitment to the custody of the Commissioner of Corrections, if the court grants a dispositional departure, the probation or court services officer assigned to supervise the offender shall provide in writing to the Department the fact that the offender is on probation and the terms and conditions of probation.
- b) Upon receipt of notice from court services or probation officer under this provision, a file in the offender's name shall be opened. The data in this file is classified as public data.

### 18. Community Notification Plan

- a) For each offender who falls within the scope of this directive, a community notification plan shall be established. A good faith effort shall be made to prepare the notification of the plan as soon as possible.
- b) The notification plan shall be developed in consultation with the court services or probation officer and prosecuting authority and shall include the preparation of an Offender Fact Sheet.
- c) Offender fact sheet: An offender fact sheet shall consist of public data unless otherwise authorized by court order or consent of the offender, and at a minimum, shall include:
  - (1) The date the fact sheet was issued.
  - (2) The Minnesota State Identification Number, if available.
  - (3) The agency responsible for the fact sheet.
  - (4) The legal authority under which the fact sheet was prepared.
  - (5) A method of contacting the Department for further information.

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- (6) A statement of the offender's rights.
- (7) The name, date of birth and age of the offender.
- (8) A recent photograph, if available.
- (9) A statement of the offense that the offender was convicted.
- (10) A brief description of the facts of that offense. This description should be taken from court records and written in a manner that protects the identity of the victim and witnesses to the offense to the extent it is reasonably possible to do so. The description of the offense should be written in a manner so as to not unreasonably arouse the anger of those who review it or jeopardize the safety of the offender.
- (11) The scope of the Community Notification Law.
- (12) Distribution of the Offender Fact Sheet.
- (13) A copy of the fact sheet shall be mailed to the offender.
- (14) Disclosure may be made to the following groups and agencies the offender is likely to encounter. Such groups may include:
  - (15) Public and private educational institutions.
  - (16) Day care establishments.
  - (17) Establishments and organizations that primarily serve individuals likely to be victimized by the offender.
  - (18) In determining the establishments and organizations who will be given the fact sheet under this provision, the Department may consider the offender's prior history, offense characteristics, employment, recreational, social and religious interest and the characteristics of likely victims.

### 19. Community Notification: All Other Registered Offenders

- a) This directive recognizes that under MN Statutes, not all persons who are required to register under MN Statute 243.166 fall within the Community Notification Act.

## *Directives of the Leech Lake Tribal Police Department*

- b) Any data in the possession of the Department concerning an individual who is required to register, but is not subject to the Community Notification Act, shall be administered, collected, maintained and disseminated consistent with MN Statute 13.82 or any other relevant provisions of law.

### 20. Criminal History Conviction Data

- a) MN Statute 13.87 classifies certain conviction data for adult and certified juvenile offenders as public data and requires the BCA to allow a member of the public to inspect that data in its offices at no charge.
- b) Data that is not conviction data is classified as private data and may not be disclosed except as authorized by the Minnesota Government Data Practices Act and the data practices directive of this Department.
- c) Conviction data is classified as public only until 15 years has elapsed since the offender was discharged from the sentence imposed for the conviction. Following that time, conviction data is classified as private data.
- d) The following data obtained from the BCA records for convicted offenders for which less than 15 years have passed since expiration of sentence may be disclosed as public data:
  - (1) Offender name and date of birth.
  - (2) Charged offense, conviction offense and level of offense (felony or misdemeanor).
  - (3) Arresting agency and case number.
  - (4) Court of Conviction and court file number.
  - (5) Sentence imposed.
  - (6) Institution of confinement, if any.
  - (7) Minnesota State Criminal History (SID) number.

<b>DIRECTIVE 1502</b>	<b>Prevention of Blood-Borne Disease</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The purpose of this directive is to provide officers guidelines for preventing the contraction of the AIDS virus, hepatitis B and other blood borne pathogens.

**II. POLICY**

It is the responsibility of the LLTPD to take all reasonable measures to allow its members to perform their duties in a safe and effective manner. The safe performance of daily operations is threatened by the AIDS and Hepatitis B viruses and other pathogens that can be contracted through exposure to infected blood and several types of bodily secretions. Therefore, it is the directive of the LLTPD to provide employees with information and education on prevention of these diseases, provide up to date safety equipment and procedures that will minimize their risks of exposure and to institute post exposure reporting evaluation and treatment for all employees exposed or potentially exposed to these diseases.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department with arrest powers while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. General Disease Prevention Guidelines**

1. This agency's exposure control plan shall provide the overall strategy for limiting exposure to HIV and HBV and responding to potential exposure incidents. The plan is available for review by all members through request of their immediate supervisor.
2. This agency subscribes to the principles and practices for prevention of HIV and HBV exposure as detailed in the "universal precautions" prescribed by the CDC and the federal regulations of the Occupational Safety and Health Administration. Where otherwise not detailed in this directive, officers shall be guided by these practices and procedures.

**B. Workplace Controls and Personal Protective Equipment**

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1. In order to minimize potential exposure, officers shall assume that all persons are potential carriers of HIV and HBV.
2. When appropriate protective equipment is available, no member shall refuse to arrest or otherwise physically handle any person who may carry HIV or HBV.
3. Members shall use protective gear under all appropriate circumstances unless the member can demonstrate that in a specific instance, its use would have prevented the effective delivery of health care or public safety services or would have imposed an increased hazard to his/her safety or the safety of others.
4. All instances shall be reported by the member and shall be investigated and appropriately documented to determine if changes could be instituted to prevent similar occurrences in the future.
5. Disposable gloves shall be worn when handling any person, clothing or equipment with bodily fluids on them.
6. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, splatter or droplets of potentially infectious materials may be generated and eye, nose or mouth contamination can reasonably be anticipated.
7. Gown, aprons, lab coats, clinic jackets or other outer garments shall be worn as determined by the degree of exposure anticipated.
8. Plastic mouthpieces or other authorized barrier/resuscitation devices shall be used whenever an officer performs CPR or mouth-to-mouth resuscitation.
9. All sharp instruments, such as knives, scalpels and needles, shall be handled with extraordinary care and should be considered contaminated items.
10. Leather gloves or their protective equivalent shall be worn when searching persons or places, or when dealing with environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered.
11. Searches of automobiles or other places shall be conducted using a flashlight, mirror or other devices when appropriate. Subsequent to a cautious risk of

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outer garments searches, suspects shall be required to empty their pockets or purses and to remove all sharp objects from their person.

12. Needles shall not be recapped, bent, broken or removed from a disposable syringe or otherwise manipulated by hand.
13. Needles shall be placed in departmentally provided, puncture resistant, leak-proof containers that are marked bio-hazardous, when being collected for evidence, disposal or transportation purposes.
14. Officers shall not smoke, eat, drink or apply makeup around bodily fluid spills.
15. Any evidence contained with bodily fluids shall be completely dried, double bagged and marked to identify potential or known communicable disease contamination.

### C. Custody and Transportation of Prisoners

1. Officers should not put their fingers in or near any person's mouth unless necessary to provide emergency medical aid.
2. Individuals with bodily fluids on their persons shall be transported in separate vehicles from other persons. The individual may be required to wear a suitable protective covering if they are bleeding or otherwise emitting bodily fluids.
3. Officers have an obligation to notify relevant support personnel during transfer of custody when a suspect has bodily fluid present on his/her person, or has stated he/she has a communicable disease.
4. Suspects taken into custody with bodily fluids on their persons shall be directly placed into a designated holding area for processing. The holding area shall be posted with an "Isolation Area- Do Not Enter" sign.
5. Officers shall document on the appropriate arrest or incident form when a suspect taken into custody has bodily fluids on his person, or stated that he/she has a communicable disease.

### D. Housekeeping



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1. Supervisors and their employees are responsible for the maintenance of a clean and sanitary workplace and shall conduct periodic inspections to ensure that these conditions are maintained.
2. All supervisory personnel shall determine and implement written schedules as appropriate for cleaning and decontamination based on the location within the facility or work environment, the type of surface or equipment to be cleaned, the type of soil present and the tasks and procedures to be performed in the area.
3. All equipment, environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials as provided in this directive.
4. Any protective coverings used in a laboratory, custody or enforcement operations for covering surfaces or equipment shall be removed or replaced as soon as possible following actual or possible contamination.
5. Bins, pails and similar receptacles used to hold actual or potentially contaminated items shall be labeled as bio-hazardous, decontaminated as soon as feasible following contamination, as well as inspected and decontaminated on a regular basis.
6. Broken and potentially contaminated glassware, needles or other sharp instruments shall not be retrieved by hand, but by other mechanical means and shall not be stored in a manner that requires that they be retrieved manually.
7. Officers shall remove clothing that has been contaminated with bodily fluids as soon as practical and with as little handling as possible. Any contacted skin area shall be cleansed in the prescribed fashion.
8. Contaminated laundry and personal protective equipment shall be bagged and or containerized at the location where it is used in departmentally approved leak-proof containers, but shall not be sorted, rinsed or cleaned at that location.
9. Departmental personnel working with the agency's criminal laboratory shall adhere to directive and procedures contained herein, but, shall refer to and also adhere to special safety procedures established for the laboratory workplace.

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10. Only employees specifically designated by the Chief of Police shall discard or actual or potential contaminated waste materials. All such disposal shall conform to established Tribal, federal, state and local regulations.

### E. Disinfection Procedures for Officer and/or Person in Contact with Bodily Fluids

1. Any unprotected skin surface that come into contact with bodily fluids shall be thoroughly washed as soon as possible with hot running water and soap for at least 15 seconds before rinsing and drying,
2. Alcohol or antiseptic towels or wipes shall be used when soap and water are unavailable.
3. Disposable gloves shall be rinsed before removal and forearms shall then be washed. If water is unavailable, alcohol or antiseptic towels or wipes shall be used.
4. Skin surfaces shall be washed and mucous membranes flushed as soon as feasible following the removal of any personal protective equipment.
5. Hand lotion shall be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
6. All open cuts or abrasions shall be covered with waterproof bandages before reporting to duty.
7. Disinfection Procedures for Vehicles in Contact with Bodily Fluids – Disinfection procedures shall be initiated whenever bodily fluids are spilled or an individual with bodily fluids on his/her person is transported in a departmental vehicle.
8. A supervisor shall be notified and the vehicle taken to the departmentally approved service center, as soon as possible.
9. Affected vehicles shall immediately be designated with the posting of an “Isolation Area- Do Not Enter” sign upon arrival at the service center and awaiting disinfection.
10. Service personnel shall remove any excess bodily fluids from the vehicle with an absorbent cloth, paying special attention to any cracks, crevices or seams that may be holding fluids.

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11. Affected areas should be disinfected using hot water and detergent or alcohol and allowed to air dry.
  12. All police vehicles taken to the departmentally approved service center for scheduled washing and routine maintenance shall, as a part of that routine be cleaned in the interior with an approved disinfectant.
- F. Disinfection Procedures for Non-Disposable Equipment – Non-disposable equipment and areas upon which bodily fluids have been spilled shall be disinfected as follows:
1. Any excess bodily fluids shall be wiped up with approved disposable absorbent materials.
  2. A freshly prepared solution of one-part bleach to ten parts water or a fungicidal/anti-bacterial (or bactericidal) disinfectant shall be used to clean the area or equipment.
- G. Supplies
1. Supervisors are responsible for continuously maintaining an adequate supply of disease control supplies in a convenient location for all affected personnel in their unit. This includes, but is not limited to:
    - a) Personal protective equipment in appropriate sizes, quantities and locations are available.
    - b) Hypo-allergenic gloves, and other materials are available for those that are allergic to materials normally provided, cleaning, laundering and disposal materials, as well as repair or replacement of these and other items is provided.
    - c) First aid supplies and disinfecting materials are readily available at all times.
  2. All departmental vehicles and/or the LLTPD building shall be continuously stocked with the following communicable disease control supplies:
    - a) Personal protective equipment in appropriate size and quantity for affected personnel to include face and eye protective devices, coveralls, disposable gloves and booties, leather gloves, puncture-resistant and leak proof containers for needles and other sharp objects, barrier resuscitation equipment and leak proof plastic bags.

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- b) Liquid germicidal cleaner.
  - c) Disposable towelettes (70 percent isopropyl alcohol).
  - d) Waterproof bandages.
  - e) Absorbent cleaning materials.
  - f) "Isolation Area- Do Not Enter" signs.
3. Officers using supplies stored in their vehicles are responsible for ensuring that they are replaced as soon as possible.
  4. Officers are required to keep disposable gloves in their possession while on either motor or foot patrol.
- H. Vaccination, Exposure, Evaluation and Treatment
1. All members of the LLTPD who have been determined to be at risk for occupational exposure to the Hepatitis B virus shall be provided the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to occupationally exposed duty. The vaccination shall be provided, if desired departmental training has not previously received the vaccination series and only if not contraindicated for medical reasons.
  2. Any person who has unprotected physical contact with blood or other bodily fluids of another person while in the line of duty shall be considered to have been potentially exposed to HBV and/or HIV.
  3. In cases of exposure, a supervisor shall be contacted who shall complete appropriate duty injury and medical forms and shall take appropriate steps to document the means and circumstances under which the exposure occurred.
  4. Immediately after exposure, the officer shall proceed to the designated health care facility for tests of evidence of infection and treatment for any injuries.
    - a) The LLTPD shall ensure continued testing of the member for evidence of the member for evidence of infection and provide psychological counseling as determined by the health care official.

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- b) The members shall receive a copy of the health care provider's written opinion within 15 days of the evaluation and information on any conditions resulting from the exposure that require further evaluation or treatment.
  - c) Unless disclosure to an appropriate departmental official is authorized by the officer or by tribal or state law, test results and any follow-up procedures shall remain confidential.
5. Any person responsible for potentially exposing a member of the LLTPD to a communicable disease shall be encouraged to undergo testing to determine if the person has a communicable disease.
- a) The person shall be provided with a copy of the test results and a copy shall be given to the exposed agency member. The member shall be informed of applicable state laws and regulations concerning the disclosure of the identity and infectious status of the source individual.
  - b) Criminal charges may be sought against any person who intentionally exposes a member of this agency to a communicable disease.
6. Officers who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of this agency.
- a) This agency shall make all decisions concerning the employee's work status solely on the medical opinions and advice of the agency's health care officials.
  - b) The agency may require an employee to be examined by the department health care officials to determine if he/she is able to perform his/her duties without hazard to him/herself or others.
  - c) All members of the LLTPD shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.

### **V. RECORD KEEPING**

- A. This agency's personnel function shall maintain an accurate record for each employee with occupational exposure that includes information on vaccination status; results of examinations, tests and follow-up procedures; the health care

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professional's written opinion and any other applicable information provided by the health care professional.

- B. These health care records shall be retained in a secure area with limited access for the duration of the member's employment plus 30 years and may not be disclosed or reported without the express written consent of the member.

### **VI. TRAINING**

- A. This agency's training coordinator shall ensure that all members of the LLTPD with occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases prior to their initial assignment.
- B. All affected employees shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure.
- C. All trainees shall have access to applicable tribal, federal and state regulations pertaining to the regulation of blood borne pathogens.
- D. The training coordinator shall ensure that complete records are maintained on member training to include information on the dates and content of training sessions, names of qualifications of persons conducting the training and names and job titles of all persons attending the training sessions. These records shall be maintained for a period of three years from the date of training.

<b>DIRECTIVE 1503</b>	<b>Employee Speech, Expression, &amp; Social Media</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The LLTPD endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This directive establishes the LLTPD's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This directive is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

**II. POLICY**

Social media provides a potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This directive identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. Speech disseminated through social media, as does any speech, has the potential to adversely affect the agency's ability to serve its community, to provide a healthy work environment, or effect the public trust. Therefore, this directive provides information of a precautionary nature as well as certain prohibitions and guidelines on the personal use of social media by department personnel whether on or off-duty.

The LLTPD recognizes that employees have rights to speak and express themselves freely as private citizens and nothing in this directive is intended to infringe upon their constitutionally protected speech and expression. Employees are free to speak and act on behalf of employee associations or speak to matters of public concern.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department, on or off-duty, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Department Use**

1. Department Sanctioned Presence – Determine Strategy

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- a) When possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the LLTPD's presence on the website.
- b) When possible, the page(s) should link to the LLTPD's official website.
- c) Social Media page(s) shall be designed for the target audience(s) such as, youth or potential police recruits.

### 2. Procedures

- a) All department social media sites or pages shall be approved by the Chief of Police or his/her designee and shall be administered by the departmental information services section or as otherwise determined.
- b) When possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
- c) Social media content shall adhere to applicable laws, regulations and directives including all information technology and records management directives.

### 3. Content is subject to public records laws. Relevant records retention schedules apply to social media content.

- a) Content must be managed, stored and retrieved to comply with open records laws and e-discovery laws and directives.
- b) When possible, social media pages should state that the opinions of visitors to the page(s) do not reflect the opinions of the LLTPD.
- c) Page(s) shall clearly indicate that posted comments will be monitored and that the LLTPD reserves the right to remove obscenities, off-topic comments and personal attacks.
- d) Page(s) shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

## B. Department Sanctioned Use

1. Department personnel representing the LLTPD via social media outlets shall:



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- a) Conduct themselves as representatives of the LLTPD at all times and adhere to all departmental standards of conduct and observe accepted protocols and proper decorum.
  - b) Identify themselves by their name and/or badge number as a member of the LLTPD.
  - c) Not make statements about the guilt or innocence of any suspect or arrestee or comments concerning pending prosecutions, nor post, transmit or otherwise disseminate confidential information, including photographs or videos related to department training activities or work related assignments without express written permission from the Chief or command level officer.
  - d) Not conduct politically motivate statements or advocate on behalf of or against private business.
2. The use of department computers by department personnel to access social media is prohibited without authorization.
  3. Department personnel use of personally owned devices to manage the LLTPD's social media activities or in the course of official duties is prohibited without express written permission from the Chief of Police or a command level officer.
  4. Employees shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.
- C. Potential Uses
1. Social media is a valuable investigative tool when seeking evidence or information about:
    - a) Missing persons;
    - b) Wanted persons;
    - c) Gang participation;
    - d) Crimes perpetrated online (e.g. cyberbullying, cyberstalking); and
    - e) Photos or videos of a crime posted by a participant or observer.

2. Social media can be used for community outreach and engagement by:

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- a) Providing crime prevention tips;
  - b) Offering online reporting opportunities;
  - c) Sharing crime maps and data; and
  - d) Soliciting tips about unsolved crimes (i.e., Crimestoppers, Text-A-Tip).
3. Social media can be used to make time sensitive notifications related to:
- a) Road closures;
  - b) Special events;
  - c) Weather emergencies; and
  - d) Missing or endangered persons.
4. Persons seeking employment and volunteer positions use the internet to search for opportunities and social media can be a valuable recruitment mechanism.
5. The LLTPD has an obligation to include internet-based content when conducting background investigations of job candidates.
- a) Searches should be conducted by the assigned background investigator or another at their direction. Information pertaining to protected classes shall be filtered out prior to sharing any information, found online, with decision-makers.
  - b) Persons authorized to search internet-based content should be deemed as holding a sensitive position.
  - c) Search methods shall not involve techniques that violate existing law.
  - d) Vetting techniques shall be applied uniformly to all candidates.
  - e) Every effort must be made to validate Internet based information considered during the hiring process.
- D. Personal Use - Precautions and Prohibitions – Barring state law or binding contracts to the contrary, LLTPD personnel shall abide by the following guidelines when using social media:

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1. LLTPD personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the LLTPD, for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers or negatively affect the public perception of the LLTPD.
2. As public employees, LLTPD personnel are cautioned that speech on or off duty, made pursuant to their official duties-that is, that owes its existence to the employee's professional duties- is not protected speech under the first amendment and may form the basis for discipline, if deemed detrimental to the Department. LLTPD personnel should assume that their speech and related activity on social media sites will reflect upon their office and the LLTPD.
3. LLTPD personnel shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police or his/her designee. Examples of protected data include crime scene images, incident-based audio, or descriptions of police calls or activities.
4. For safety and security reasons, LLTPD personnel are cautioned not to disclose their employment with the LLTPD, nor shall they post any information about any other member of the LLTPD without their permission. LLTPD personnel are cautioned not to do the following:
  - a) Display department logos, uniforms or similar identifying items on personal web pages.
  - b) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of the LLTPD. Officers who are, or may reasonably be expected to work undercover operations, shall not post any form of visual or personal identification.
5. When using social media, LLTPD personnel should be mindful of that their speech becomes a permanent part of the worldwide domain. Therefore adherence to the LLTPD's code of conduct is required in the personal use of social media. In particular, LLTPD personnel are prohibited from the following:

## *Directives of the Leech Lake Tribal Police Department*

- a) 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 protected class of individuals.
  - b) Speech involving themselves or other LLTPD personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech as noted herein, may provide grounds to undermine or impeach an officer's testimony in criminal proceedings. LLTPD personnel thus sanctioned are subject to disciplinary action, according to the LLBO General Administration Personnel Policies, up to and including termination of employment.
  7. LLTPD personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the LLTPD without express authorization from the Chief of Police.
  8. LLTPD personnel should be aware that they may be subject to civil litigation for:
    - a) Publishing or posting false information that harms the reputation of another person, group or organization (defamation).
    - b) Publishing or posting private facts and personal information about someone without their permission, which has not previously revealed to the public; is not a legitimate public concern and would be offensive to a reasonable person.
    - c) Using someone else's name, likeness or other personal attributes without that person's permission, for an exploitative purpose.
    - d) Publishing the creative work of another, trademarks or certain confidential business information without the permission of the owner.
  9. LLTPD personnel should be aware that privacy settings and social media sites are constantly in flux and they should never assume that personal information posted on such sites is protected.

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10. LLTPD personnel should expect that any information created, transmitted or downloaded, exchanged or discussed in a public forum may be accessed by the LLTPD at any time without prior notice.
11. Reporting violations – Any employee becoming aware of, or having knowledge of a posting or any website or web page in violation of the provision of this directive shall notify his/her supervisor immediately for follow-up action.

<b>DIRECTIVE 1504</b>	<b>Ride-Along Program</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This directive provides the requirements, approval process and hours of operation for the Ride-Along Program.

**II. POLICY**

The Ride-Along Program offers the general public the opportunity to experience law enforcement first hand, by riding-along with a designated officer in the commission of his/her duties.

**III. SCOPE**

This directive applies to all members of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

- A. Eligibility – The LLTPD Ride-Along Program is offered to residents, students and those employed within the LLTPD. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program. The following factors may be considered in disqualifying an applicant, but are not limited to:
  - 1. Being under 18 years of age.
  - 2. Prior criminal history.
  - 3. Pending criminal action.
  - 4. Pending lawsuit against the LLTPD.
  - 5. Denial by any supervisor.
- B. Availability – The Ride-Along Program is available most days of the week, The Ride-Along schedule is developed based on the number of requests, and approved by the Chief of Police.

## *Directives of the Leech Lake Tribal Police Department*

- C. Procedure to Request a Ride-Along – Ride-along requests will be scheduled by the Chief of Police or his/her designee. The participant shall complete and sign a Ride-Along Waiver form. All information requested must be provided and will include the person's full name, date of birth, address and telephone number. If the requestor is under 18-years of age, a parent's or legal guardian's signature and contact information must be submitted with the Ride-Along form. The Chief of Police or his/her designee will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the Ride-Along waiver form will be forwarded to the respective shift sergeant as soon as possible for his/her scheduling consideration. If the ride-along is denied, a representative of the LLTPD will contact the applicant and advise them of the denial.
- D. Suitable Attire – Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn jeans are prohibited. The Chief of Police, Assistant Chief of Police, and Sergeant(s) may refuse a ride-along to anyone not properly dressed. Persons with questions or concerns regarding appropriate attire may contact the LLTPD before their scheduled ride-along.
- E. Ride-Along Criminal History Check – All Ride-Along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History system check prior to approval (provided that the ride-along is not an employee of the LLTPD).
- F. Officer Responsibilities
  1. The officer or sergeant shall advise the dispatcher that a ride-along is present in the vehicle before going into service.
  2. Officers shall consider the safety of the ride-along at all times. Officers shall use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lit and safe public place.
  3. The dispatcher will be advised of the situation and, as soon as practical, have another officer's unit respond to pick up the participant at that location. The ride-along may be continued or terminated when this occurs, depending upon the circumstances.

## *Directives of the Leech Lake Tribal Police Department*

4. Conduct by a person participating in the ride-along that results in the termination of the ride or is otherwise inappropriate should immediately be reported to the shift sergeant.
  5. The Sergeant/Officer in Charge is responsible for maintaining and supervising ride-along(s) in progress.
  6. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Chief of Police with any comments that may be offered by the officer. In situations that resulted in the ride-along being terminated, the officer must provide details of the activity which warranted the decision to terminate.
- G. Control of the Ride-Along – The officer shall maintain control of the ride-along at all times and instruct him/her of the conditions that necessarily limit participation. The officer will alert the ride-along participant of the following:
1. The ride-along will follow the directions of the officer.
  2. The ride-along will not become involved in any investigation, handling of evidence, discussion with victims or suspects or handling any LLTPD equipment.
  3. The ride-along may terminate at any time, for any reason.
  4. The officer may terminate the ride-along and return the observer to their home or to the station, if the ride-along interferes with the performance of the officer's duties.
  5. The officer may terminate the ride-along at any time when police business dictates.
  6. Ride-along(s) may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
  7. Officers will not allow any ride-along(s) to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to the victim or any other person.
  8. Under no circumstances shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.



## *Directives of the Leech Lake Tribal Police Department*

9. The duration of ride-along tours is generally four hours or less.

### LEECH LAKE BAND OF OJIBWE TRIBAL POLICE DEPARTMENT

#### NON-DISCLOSURE, RELEASE AND INDEMNITY AGREEMENT

WHEREAS, The undersigned has voluntarily elected to ride as a passenger in the Leech Lake Band of Ojibwe's Tribal Police Department's vehicle of the Leech Lake Reservation in the State of Minnesota, and to accompany police officers of said Reservation while engaged in the performance of their duties, to study and observe for his/her own benefit the functions and operations of the Leech Lake Tribal Police Department and its personnel; and

WHEREAS, the undersigned desires to do so at his own risk and recognizing the possible and inherent danger to his person and property resulting therefrom; and

WHEREAS, the connection with this observation the Department the undersigned may become privy to certain information that should not be disclosed to other individuals, and which may include data, which is classified as private, confidential or non-public under state and federal law; and

WHEREAS, the Leech Lake Band of Ojibwe does not wish to be liable for any damages arising from personal injuries and/or property damage sustained;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the undersigned does hereby, for himself/herself, his spouse, heirs, executor or administrator, and personal representatives;

- (a) Agree to refrain from disclosing to a spouse, parent, friend or any individual, information of any nature that the undersigned may obtain through his/her observation of the Department.
- (b) Assume full responsibility for any personal injury or damage to his person or property which may occur, directly or indirectly while in, on, or about any such Department's vehicle, the Leech Lake Band of Ojibwe's premises, or any part thereof, at the Leech Lake Band of Ojibwe's Tribal Police Department and all other Leech Lake Band of Ojibwe's owned property, or while accompany any Tribal Police Officer of the Leech Lake Band of Ojibwe while in the performance of their duties;
- (c) Fully and forever release and discharge the Leech Lake Band of Ojibwe, its agents and employees, from any and all claims, demands, damages, rights of action or causes of action, present or future, whether the same be known, anticipated or unanticipated, resulting from or arising out of the undersigned's being in, on or about any such Department vehicle, or at any or all of the premises and places aforesaid or while accompanying any

*Directives of the Leech Lake Tribal Police Department*

Tribal Police Officer of the Leech Lake Band of Ojibwe's Tribal Police Department as aforesaid;

- (d) Indemnify and hold harmless the Leech Lake Band of Ojibwe, its agents and employees, for any acts or conduct of the undersigned of whatever kind of nature whatsoever, while in, on or about any such Department's vehicle, or at any or all of the premises and places aforesaid, or disclosing at any time or place information learned while observing the operation the Leech Lake Band of Ojibwe's Tribal Police Department.
- (e) Agree to defend and to pay any costs or attorney's fees as result of any action brought by or against the Leech Lake Band of Ojibwe's Tribal Police Department, its agents and employees, for any acts or conduct of the undersigned of whatever kind or nature whatsoever while in, on, or about and such Department's vehicle, or at any or all of premises and places aforesaid, or while accompanying any such Tribal Police Officer as the operation the of the Leech Lake Band of Ojibwe's Tribal Police Department;
- (f) State that he/she is as of the date of execution hereof, of the age of (18) years or older; or has approved parental consent with proper signature displayed below;
- (g) Agrees that it is the intent of the undersigned that this Non-Disclosure, Release and Indemnity Agreement be in full force and effect any time after the execution hereof.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Signature or Parental Signature

\_\_\_\_\_  
Date of Birth

<b>DIRECTIVE 1505</b>	<b>Internship Program</b>
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**Effective Date: 08-01-2017**

**PURPOSE**

It is the mission of the Leech Lake Tribal Police Department Intern Program to educate and involve students in police operations, to interest them in possible Law Enforcement careers, to build mutual understanding between the student population, the police department and to develop interns as well-rounded, law abiding individuals. The education aspect provides knowledge of law enforcement function in the community and university whether entering the field of law enforcement or not. The intern program offers the exposure and training necessary to facilitate successful entry into the law enforcement profession; furthermore, law enforcement interning seeks to instill a desire in its participants to demonstrate law abiding habits, attitudes and practices as contributing citizens of our community.

**POLICY**

It is the directive of the LLTPD to provide an opportunity for students to experience the routine and unique aspects of law enforcement; to allow students to apply their academic experience in a professional field setting while exploring a possible career choice; and to provide the Leech Lake Tribal Police Department an opportunity to partner with the area academic institutions to better serve the community and its citizens.

**SCOPE**

This directive applies to all members and interns of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation

**PROCEDURE**

- A. Objectives - To build student understanding and awareness of law enforcement problems and objectives, while developing police-student relationships; to provide the opportunity to broaden the student's understanding and firsthand knowledge of the challenges and job skills that make up the community's police service; and, to provide the Law Enforcement community an opportunity for further investment in its own future by strengthening relationships with students having a strong interest in law enforcement as a career.
- B. Intern Candidate Criteria

## *Directives of the Leech Lake Tribal Police Department*

1. The student is currently enrolled (in good standing) in a criminal justice or related program at an accredited college, university, or vocational/technical school; or
  2. Student is close to completing her/his academic requirements for POST, but has not yet been hired as a sworn police officer.
  3. Student has an accumulated GPA of 2.5 or higher (student will be required to provide a current copy of their transcript during the application process.)
  4. Student will successfully complete a background check including:
    - a) Review of Law Enforcement Center Records
    - b) Clear NCIC
    - c) Clear or acceptable BCA criminal history
    - d) Valid Driver License with acceptable driving record
    - e) No outstanding warrants
    - f) Acceptable police record in applicant's home jurisdiction
- C. The application process
1. Intern candidates must complete a written application.
  2. Intern candidates must sign all required background release forms.
  3. Intern candidates must complete an interview process.
  4. Intern candidate must commit to the internship program schedule and requirements.
  5. If multiple Reservation students make application, the selection will be made on a first-come, first-served basis. If no Reservation students have made applications at least 6 months prior to the start of the internship semester, applicants will be selected on first-come, first-served basis.
  6. The Chief of Police will provide final approval for accepting any interns into the Leech Lake Tribal Police Department Internship Program after the above process has been completed.

## *Directives of the Leech Lake Tribal Police Department*

- D. The internship schedule - Interns will be required to participate on day shift, night shift and weekends. Interns will receive a tentative schedule describing work hours and assignments. The hours required to complete the internship program will be coordinated with the academic institution the student is attending. The intern schedule will be approved by the Leech Lake Tribal Police Department Internship Program Coordinator.
- E. Intern expectations/commitment, conduct and dress
  - 1. Commitment:
    - a) Successful interns must make a commitment to both the prearranged schedule and scheduled hours of internship program participation.
    - b) The internship schedule will mirror an actual workplace schedule. Attendance is expected at each and every scheduled time block. Any exception or emergencies must receive prior approval. This is a critical component of the internship experience and will be monitored closely.
    - c) Successful interns will complete all requirements set forth by both their perspective academic institutions and the Leech Lake Tribal Police Department.
  - 2. Conduct:
    - a) All interns involved in the Leech Lake Tribal Police Department Internship program will be required to use good judgment concerning situations both while involved in intern activities and in the private lives.
    - b) Interns will not represent themselves in any manner as a sworn police officer of the Leech Lake Reservation or its boundaries.
    - c) All interns involved in any internship activity while participating in the Leech Lake Tribal Police Department internship program will follow the same code of conduct and the same code of ethics that the Leech Lake Tribal Police Department officers follow.
    - d) No intern shall release, convey or communicate in any manner any confidential law enforcement information to any party or person outside of the Leech Lake Tribal Police Department, further including but not limited to, spouses, friends, and relatives, etc.

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- e) All interns will keep in strict confidence any and all information, details, identities, etc., of all activities and/or persons they are exposed to during the internship program. Interns will have access to private data throughout their internship programs, and this data must be protected and not disseminated in any manner at any time outside of the law enforcement experience. This is imperative, and will be closely monitored. If at any time this confidence is violated, the internship for that student will be terminated immediately.
- f) Interns will not carry weapons while serving in the Leech Lake Tribal Police Department Internship Program. Interns will be subject to discipline as per Leech Lake Tribal Police Department procedures and regulations.

### 3. Dress

- a) All interns shall be neat in appearance and well-groomed while participating in any and all internship program activities.
- b) Every intern's manner of dress and demeanor must be professional at all times. The only exceptions will be planned occasions when interns are involved in special assignments that require unconventional dress and demeanor.
- c) Interns will be provided uniform shirts and jackets to wear, if available, and will be expected to provide their own footwear (black shoes or boots) and black or dark navy pants as approved with a belt.

- F. Successful/Unsuccessful Internships - Interns will be monitored and assessed regularly. Anything detrimental to a successful internship program will be communicated to the intern immediately. Depending on the circumstances, communication will be made through the Internship Supervisor or another officer. In each case, a decision will be made concerning communicating the issue to the intern's academic institution.

<b>DIRECTIVE 1506</b> <b>Court Center Point of Entry Screening</b>
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**Effective Date: 08-01-2017**

**I.      PURPOSE**

In order to enhance the safety of Leech Lake Court employees, State of Minnesota employees, and the general public, the LLTPD has adopted a directive to prevent the introduction of prohibited items which are hereby deemed to constitute a threat to person(s) conducting business.

**II.     POLICY**

The LLTPD recognizes that courts can be potential for serious problems where contraband may be brought into the facility and/or result in possible great bodily harm. It is therefore directive of the LLTPD that officers may conduct entry point screening on any and all person(s) entering the facility as outlined in the below directive.

**III.    SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV.    DEFINITIONS**

- A.    *Packages*: Any purse, bag, briefcase, box, shopping bag, or other hand-carried or wheeled container.
  
- B.    *Prohibited items*: All items below are prohibited unless carried by a licensed peace officer who is on active duty and/or on official business:
  - 1. Firearms
  - 2. Bladed instruments or cutting tools (any size)
  - 3. Electronic incapacitation devices
  - 4. Chemical incapacitation sprays
  - 5. Explosives
  - 6. Ammunition
  - 7. Combustible or flammable liquid

## *Directives of the Leech Lake Tribal Police Department*

8. Any other item designed or carried as a weapon capable of producing death or great bodily harm
  9. Any replica or toy version of the above-listed items
- C. *Contraband*: Any item which is illegal to possess under Minnesota Law (609.66 Subd. 1G, and 624.72).

### **V. PROCEDURE**

- A. Location and time - Point of entry screening will be implemented at the public entrance into the Leech Lake Court at all times that the building is open to the public.
- B. Persons subject to screening - All persons who enter the Judicial Center through the public entrance and who are not exempt will be required to submit to point of entry screening as a condition of entering the building through that entrance.
- C. Persons exempt from screening
1. Employees entering through the employee entrance.
  2. Persons under contract to the Leech Lake Band of Ojibwe, or employed by an entity under contract to Leech Lake Reservation to perform services, when accompanied into the building in person by a Leech Lake Tribal Court employee entering through the employee entrance.
  3. Licensed peace officers who are on active duty with official business at the Court Center, provided that they have in their possession a badge and departmental credentials.
  4. First responders responding to an emergency in the Court Center.
- D. Procedure for screening of persons
1. Point of entry screening shall consist of a hand-held magnetometer and/or pat-down search. Initially, each person shall be asked to empty their pockets of metallic items. If the hand-held magnetometer alerts, the person may recheck and empty their pockets of metallic items and may go through the hand-held magnetometer again. Officers shall provide persons with two additional attempts to remove metallic items from and submit to a magnetometer check. If the magnetometer is not activated, the person is not subject to further screening and may enter the building. If the magnetometer



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is activated, the person may not enter the building unless the person consents to a pat-down search by a person of the same gender as the person being searched.

2. If an individual has been instructed to avoid the handheld magnetometer for medical or other purposes, the individual may consent to a pat-down search for prohibited items. Such a search will be conducted by a person of the same gender as the person being searched.

### E. Procedure for screening of packages

1. All packages or suspected items will be x-rayed or hand searched for prohibited items. All electronic devices shall be removed from their packaging prior to being x-rayed. If the presence of a prohibited item is detected through the package x-ray scanner, then the point-of-entry personnel shall so inform the person and obtain the person's consent to hand search the package. If consent is given, the personnel shall search the package by hand in view of the person. If a prohibited item is found, the owner shall be given the opportunity to dispose of it or remove it from the Courts. If consent is not given or if the person declines to remove a prohibited item from the Courts, the person shall be permitted to retain the prohibited item if possession of the item is not otherwise prohibited, but shall not be permitted to enter the Courts.
2. If contraband is found in the search for prohibited items, it must be retained by point-of-entry screening personnel and turned over to the Leech Lake Tribal Police.

### F. Permit to Carry - If a person attempts to carry a firearm into the Courts based upon actual possession of a permit to carry and notice to or consent of the Leech Lake Tribal Police, the person should be informed that, by Order of the Court (other than those carried by on-duty law enforcement officers or pre-approved for use in trial) are prohibited in all of lobby areas of the Court Center and the person shall be permitted to remove the firearm from the Courts.

### G. Option to decline screening - Notice of the point-of-entry screening shall be posted informing persons seeking entry to the Courts have a reasonable opportunity to decline participation in the screening process by not seeking entry into the building. A person also may decline screening at any time simply by leaving the building, even if the screening process already has been commenced.

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- H. Disposition of items - A receptacle will be placed outside of the point-of-entry screening station to enable persons seeking entry to the building to discard items that they do not wish to carry through the point of entry screening station. A receptacle will also be placed inside the screening station for use during the screening process. If any prohibited item is found during the point of entry screening process, the person will be permitted to dispose of the item or to remove the item from the courts. In no case will point of entry screening personnel store or otherwise hold items of personal property for court visitors.
- I. Personnel - The Leech Lake Tribal Police Department will provide the personnel required to carry out point-of-entry screening.
- J. Cell Phones - Screening personnel will allow cell phones carried by Attorneys and staff into the Court Center

<b>DIRECTIVE 1507</b>	<b>Naloxone Law Enforcement Officer Directive</b>
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**Effective Date: 08-01-2017**

**I. PURPOSE**

To establish guidelines and regulations governing utilization of naloxone (Narcan) used by the Leech Lake Tribal Police Department (LLTPD). The objective is to treat and reduce the injury and fatality from opiate overdoses.

**II. POLICY**

It is the directive of the LLTPD that all officers are required to be initially trained in the use of naloxone by North Carolina Harm Reduction Coalition.

**III. SCOPE**

This directive applies to all sworn law enforcement officers and conservation officers of the Leech Lake Tribal Police Department who operate authorized emergency vehicles while engaged in the discharge of their official duties, whether within or outside of the territorial limits of the Leech Lake Reservation.

**IV. PROCEDURE**

**A. Training**

1. Initial Training - All participating officers will receive initial training that will include, at minimum, an overview of Naloxone, patient assessment (e.g., signs/symptoms of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal and/or intra-muscular naloxone as detailed in the standing order. Upon completion of training, officers will maintain a certificate of completion. The training will be administered by an individual described in MN statutes 151.37 Subd. 12, who is allowed by law to authorize peace officers to administer the drug.
2. Continuing Education - Officers participating in the LLTPD's required training per the directive will receive training refreshers during their yearly continuing education by a certified trainer or designated by the department, including CPR bi-annually.

**B. Naloxone Storage and Deployment - The LLTPD will store and deploy its Naloxone kits in the following primary locations:**

1. Property Equipment Room

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2. One in each patrol car and K9 Units
  3. Narcotics Investigations Unit
- C. Naloxone Use - When deploying the naloxone kit officers will:
1. Maintain universal precautions
  2. Perform patient assessment
  3. Determine unresponsiveness, absence of breathing and/or pulselessness
  4. Update the dispatcher that the patient is in potential overdose state. The dispatcher will then update the Fire Department and/or ambulance service if not already done to arrange transport to Emergency Department. Officers shall follow the protocol as outlined in the Naloxone training in accordance with the certified health authority guidelines.
- D. Maintenance/Replacement
1. An inspection of the naloxone kit shall be the responsibility of the personnel assigned the equipment and will be done each shift.
  2. Missing or damaged naloxone kits will be reported to the department naloxone coordinator.
  3. Where any condition necessitates the naloxone kit shall be taken off line and be submitted for replacement to the department naloxone coordinator.
  4. Upon administering naloxone
- E. Documentation/Naloxone report - Upon completing the medical assist, the officer will submit a report detailing the nature of the incident, the care the patient received and the fact that the Naloxone was deployed. The report will be forwarded to the department naloxone coordinator who will maintain these records in Law Enforcement Technology Records. These records must be completed for statistical value of the Naloxone program. The document shall be retrievable via hardcopy and electronically.

**Cooperative Law Enforcement Agreement**

**DIRECTIVES AND PROCEDURES**

**UPDATED and APPROVED:**

**LEECH LAKE TRIBAL POLICE; BELTRAMI COUNTY, CASS COUNTY, HUBBARD COUNTY,**

**ITASCA COUNTY, STATE OF MINNESOTA STATE PATROL, CITY OF CASS LAKE**

**I. PURPOSE**

Pursuant to the Cooperative Law Enforcement Agreement between the Leech Lake Band of Ojibwe Indians, the Leech Lake Tribal Police and the Counties of Beltrami, Cass, Hubbard, Itasca, the State of Minnesota and the City of Cass Lake, Minnesota, all parties mutually agree that to enhance the already successful operations among the entities, it is necessary to develop, implement and update those directives and procedures that aid in serving the citizens of our area in the most effective and efficient manner possible. (See Section 10: Directives and Procedures as written in the Cooperative Law Enforcement Agreement).

It is recognized that these directives and procedures are subject to change and can be reviewed at the request of any agency involved at any time. Circumstances such as certification upgrades, full staffing or other changes would dictate review to accommodate all agencies fairly, consistently and uniformly. The cooperative agreement provides for a yearly meeting or more often as needed.

**II. PROCEDURE**

**A. Record Keeping**

1. The present contractual agreement provides for the respective County Sheriffs to discharge the duties of state and federal crime reporting. Therefore, the primary responsibility for crime reporting (per NCIC/CJIS requirements) shall belong to the respective jurisdiction. Depending on each county's procedures and directives, the Records Department and/or PSAP's (public safety answering point) of each county is responsible for maintaining current NCIC entries, cancellations and validations as well as other information including, but not limited to the following topics per NCIC/CJIS code tables:

## *Directives of the Leech Lake Tribal Police Department*

- a) Stolen and recovered vehicles
  - b) Towed vehicles (in the event vehicles are towed or impounded by the Tribal Police, such information must be faxed or teletyped to the respective agency PSAP as soon as possible for inclusion in tow logs and records)
  - c) Runaways (see additional information regarding runaways and reports)
  - d) Missing persons (including Attempt to locate)
  - e) Stolen and recovered property
  - f) Hazardous material incidents
  - g) Bomb threats
  - h) Deaths resulting from serious crimes
  - i) Other serious crimes (see list below)
  - j) Court orders
2. It is recognized that reports where a signature is required, e.g., runaways, missing persons and stolen vehicles, can be filed with the Tribal Police. Complainants may not have the means, or it may present a hardship for them, to report to the appropriate Sheriff's Office or Police Department to file such reports. The Tribal Police shall explain to those filing runaway reports that return transportation must be guaranteed by the complainant. Contact numbers and addresses must be current.
  3. The Tribal Police are then responsible for faxing such reports and forms to the appropriate Sheriff's office for entry and/or cancellation, in a timely manner. BCA directive requires that runaways must be immediately entered into the system. The dispatchers involved should mutually decide upon any need for KOPS ATL notices and/or other teletypes. Copies of such teletypes must be attached to the report of the respective Sheriff's Office and with the Tribal Police file. Cancellations of such teletypes should follow the same process.
  4. The Tribal Police are responsible for follow up and investigative reports involving those cases, along with the appropriate jurisdictional Sheriff's Office or Police Department. All supplemental investigative information

## *Directives of the Leech Lake Tribal Police Department*

regarding runaways and stolen vehicles must be faxed to the appropriate Sheriff's Office for inclusion in the case file. It is imperative that complete files are kept on these cases, especially in the cases of runaways or missing persons.

### B. Response to Calls and Additional Record Keeping

1. Each county, city and Tribal police has the responsibility for receiving, making Calls for Service entries (aka CFS, ICR, etc.) for any complaint or call requiring response, and sharing that information with the appropriate agencies. Citizens call law enforcement for some type of response. It is the dispatchers' responsibility to facilitate such service. At no time should citizens be informed that there is no one available. At no time should citizens be made to call another agency for service. Every effort must be made to disseminate the call for service to agencies responsible for the particular area of the request for service as soon as possible.
2. If a call is received that is in the Tribal Police's jurisdiction by a County, City of State PSAP (Dispatch), that dispatcher should relay such information to both the Tribal Police as well as their own agency's respective officers. Tribal Police shall inform their Tribal dispatchers of their location and ETA, and whether or not they are 10-6 (meaning they are not available) or are available, which should then be relayed to the County, City or State agency's dispatchers. In all cases, officers should scan their radios to determine what additional information is being dispatched and should respond accordingly.
3. If the Tribal Police receive a call for service, they shall, in turn, contact the appropriate agency to relay that information. That jurisdiction will determine location and ETA and current status of their officers and relay that to the Tribal Police Dispatch. Dispatchers and officers shall all make an effort to keep each other apprised of their locations and subsequent handling of any calls. In no instance will any officers or dispatchers use the term "not available." Use the term "10-6 on a call" or give the ETA to the other agency. The public should not ever be given the impression that no one is available.
4. All calls for service to any agency require a CFS be made by that agency, regardless of who responds. If Tribal police respond, the county should note that in the CFS as well as the name, phone number and address of the complainant along with a brief description of the call. If the county or city responds, Tribal Police should do the same in their CFS. The agency that

## *Directives of the Leech Lake Tribal Police Department*

ultimately handles the case will assign that case their respective office tracking code. The other jurisdiction will assign “assist other agency” using a specially created MOC code, to the same. This system attempts to track all calls, gives administrators and officers a record from which to search or update cases and ultimately enhances service to our citizens.

5. Officers are responsible for making the complainant and/or victim aware of what agency is handling the call (including phone number for the agency), the CFS number and who to call for follow up information. Business cards with that information must be given to those involved in the incident. The card must also include the officer’s badge number. Officers are also responsible for writing complete reports with full names and dates of birth for all participants and the disposition of the case, as well as cross referencing the CFS from each agency. Record keeping will include those names in the agency’s files.

### C. Assigning Responsibility for Serious Crimes

1. Serious crimes include felonies, (per the State of Minnesota reporting system), which usually requires that the respective county respond as well as Tribal Police. State Recording procedures require that MOC codes be assigned and entered for each jurisdiction into MINCIS and NCIC. The following constitute serious crimes:
  - a) Burglary (some of these may be damage to property, the officer first on scene should advise his/her dispatcher whether or not it qualifies as a burglary. Appropriate response to that will follow)
  - b) Kidnapping/false imprisonment
  - c) Assault (there are varying degrees of assault/officers should decide among them on proper response and charging thereof)
  - d) Arson/negligent fires
  - e) Homicide
  - f) Family Crimes (including, but not limited to, neglect, abandonment, bigamy, non-support, contributing to delinquency, endangering child, vulnerable adult, etc.). It is recognized that LL Social Services and county Social Services will work together to determine who will handle these cases in the social services realm.



## *Directives of the Leech Lake Tribal Police Department*

- g) Criminal sexual conduct
  - h) Robbery
  - i) Theft (varying degrees, reports must be sent to respective agencies of all items stolen, including full description and serial numbers, so they are properly entered into the state computer)
  - j) Weapons calls (these require back up officers and may or may not result in a serious crime category)
  - k) Drugs and clandestine labs (every effort should be made to relay this information to the Paul Bunyan Task Force 759-8353 as well as officers)
  - l) Fraud
  - m) Forgery/counterfeiting
  - n) Escape/flight
  - o) Obscenity (varying degrees involved)
  - p) Gambling crimes (does not specifically refer to casinos but any gambling type illegal activity)
  - q) Trespass (varying degrees)
  - r) Stolen property/receiving/concealing
  - s) Crimes against administrative justice (probation violation, false information to police, contempt of court, falsely reporting crime, obstructing legal process)
  - t) Crimes against government
  - u) Sex crimes (prostitution, solicit sexual conduct)
  - v) Damage to property (varying degrees, depends on amount and extent of damage)
2. In all cases, the general rule to follow is: if Tribal Police arrives at the scene of an incident and determines that a felony, or serious crime, is involved the respective county must be advised of such and may respond to the scene. Tribal Police dispatchers will inform the jurisdictional county's dispatch of the nature of the call (after procuring that information from the officer at the

## *Directives of the Leech Lake Tribal Police Department*

scene) and whether an investigator or other assistance is needed. County Dispatch will inform all officers of the nature of the crime and notify investigators as needed. Officers will respond as to their availability or intentions of response. In any case, timely reports must be sent to the appropriate county for inclusion in NCIC/CJIS reporting. Any incidents involving a death of a questionable nature must be reported through the dispatchers to the Sheriff or supervisor of the appropriate jurisdiction.

3. No department will state they are going to respond to or handle a call and then, after determining they did not have time to do so, return it to another department. If there is no officer available and the call is a priority, response should be appropriate.

See the following Statute: 387.03 Powers, Duties of the Sheriff 9 for further clarification of statutory responsibilities:

### **387.03 POWERS, DUTIES.**

**The sheriff** shall keep and preserve the peace of the county, for which purpose **the sheriff** may require the aid of such persons or power of the county as the sheriff deems necessary. The sheriff shall also pursue and apprehend all felons, execute all processes, writs, precepts, and orders issued or made by lawful authority and to the sheriff delivered, attend upon the terms of the district court, and perform all of the duties pertaining to the office, including investigating recreational vehicle accidents involving personal injury or death that occur outside the boundaries of a municipality, searching and dragging for drowned bodies, and searching and looking for lost persons. When authorized by the board of county commissioners of the county the sheriff may purchase boats and other equipment including the hiring of airplanes for search purposes.

**History:** (907) RL s 549; 1943 c 330 s 1; 1951 c 302 s 1; 1986 c 444; 1993 c 184 s 7

Cooperative Law Enforcement Agreement between the Leech Lake Band of Ojibwe Indians and the Counties of Beltrami, Cass, Hubbard, Itasca and the Pike Bay Police Department, Minnesota:

From Section 6, page 3:

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NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO LIMIT OR TO RELEASE THE County Sheriff, the City Police Department or the State from criminal jurisdiction or responsibility otherwise possessed by the Counties, State and City under applicable law. The Sheriff or next in command of the Sheriff's Office shall have the authority to control any designated crime scene, and law enforcement officers of the Band will cooperate with the direction of the Sheriff or officer in charge. The Sheriff shall have exclusive jurisdiction upon lakes and waterways with the exception of any conservation enforcement agreements between the State of Minnesota and the Reservation.

- D. Traffic Offenses - All officers, both Tribal Police and otherwise, have full and concurrent jurisdiction to handle any and all traffic complaints of any nature.
- E. Traffic Procedures Regarding Band and Non-Band Members on the Reservation
  - 1. The procedure to follow for issuing citations is as follows from Cooperative Agreement, Page 4, Section E:
    - a) Any Tribal citation issued to Tribal members, within the Reservation Boundaries, shall be directed to the Leech Lake Tribal Court for processing/prosecution. Any citation to non-Tribal members shall be directed to the respective jurisdictions' State/District Court for processing. When using regular citations (not Leech Lake Tribal Court) officers shall make the correction to the ticket, indicating the person must appear in Leech Lake Tribal Court, instead of the State/District Court.
    - b) Citizens shall be directed to call the correct jurisdiction for any Court information regarding fines, Court dates or other questions:
      - (1) Leech Lake Tribal Court - 218-335-3682
      - (2) Beltrami County Clerk of Court - 218-759-4120
      - (3) Hubbard County Clerk of Court - 218-732-3573
      - (4) Itasca County Clerk of Court - 218-327-2870
      - (5) Cass County Clerk of Court - 218-547-7200

## *Directives of the Leech Lake Tribal Police Department*

- c) Agencies are encouraged to work with their Clerk of Courts to create an information sheet to distribute with the ticket so the citizen knows what the fine is, where to pay the fine and where to appear in Court.
2. If an enforcement action is taken again a person presumed to be a Leech Lake Band member, and it is determined that the person is a non-Band member, enforcement of the law shall proceed under Minnesota law applicable to non-Band members, in the Minnesota Court system.
3. There is some confusion over what constitutes a Band member. Therefore, officers shall, as necessary, ask if the person is a “Leech Lake Band member.” Leech Lake Tribal Court does not hold jurisdiction over any band members, other than those that are part of the Leech Lake Tribe. Therefore, any native who is not a member of the Leech Lake Tribe must be referred to State/District Court as would any other non-native person be. The officer can ask this question and explain their reasons for asking, if needed, based upon the Court’s jurisdiction.
4. The Leech Lake Tribal Police dispatchers have a current list of all Band members, should the need arise to verify such information.
5. Agencies will endeavor to train together and observe individual pursuit directives, as well as directives regarding stop sticks and other equipment and driving maneuvers. Pursuits require the ORI of each agency to be included in the report of the officer who started the pursuit, as well as those involved in assisting such. The following are ORIs for each agency:
  - a) Beltrami County Sheriff - MN0040000
  - b) Cass County Sheriff - MN0110000
  - c) Hubbard County Sheriff - MN0290000
  - d) Itasca County Sheriff - MN0310000
  - e) Brainerd State Patrol - MNMHP0700
  - f) Thief River State Patrol - MNMHP0900
  - g) Leech Lake Tribal Police - MNDI00500
  - h) Pike Bay Police Department - MN0111000

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- F. Persons Related - Again, all calls should be dispatched to the appropriate agencies that would have jurisdiction. Officers should respond appropriately to the seriousness of the call. It is recognized that calls involving domestics, loud parties, fights, weapons calls, etc. require back up. Officers should endeavor to keep their dispatchers apprised of the situation and need for back up as well as those situations where no help needed. Officers should be monitoring radio traffic for updates. Dispatchers should assure that all traffic is being relayed as needed.
- G. Medicals - Calls regarding medical emergencies should be transferred and/or dispatched to the appropriate 911-call center. All ambulances, First Responders and other emergency services will be dispatched by the PSAP (public safety answering point) appropriate to the jurisdiction. This will include suicides and attempted suicide calls.
- H. Animals – Dangerous and Nuisance
  - 1. The Tribal Police have a specific Animal Control Officer who handles dangerous and nuisance dog complaints. Dispatch should assure that other officers are aware of any dangerous dog calls so as to provide for back up for this animal control officer.
  - 2. In addition, the Leech Lake Housing Authority has an ordinance (applicable to those Housing units covered by Housing Authority rules and regulations only) prohibiting any attack dogs (including pit bulls, Rottweilers and others). If the Animal Control Officer is not available to handle a dangerous or attacking dog situation, officers should be dispatched from the appropriate agency. Officers should later team with the Tribal Animal Control Officer to take appropriate action regarding issues with dogs in the Housing Areas.
  - 3. There is also an Animal Control Officer (non-Tribal), who is contracted through Ten Lakes Township, to serve that township only, that handles nuisance dog complaints.
- I. County Primary Responsibilities
  - 1. Refer to earlier cited Statute 387.03. Counties are responsible for all search and rescue missions on land and water.
  - 2. Any emergency hazardous materials or incidents should be reported to the respective Emergency Management designee in each county as well as to the

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officers on duty. Each county is responsible for all hazardous material incidents as well as the reporting of such to the State Duty Officer.

- J. Updates to Staff and Other Changes - The supervisors of the Dispatch Centers and/or Records are responsible for supplying newly updated telephone and staff lists (including current POST licensed officers), as well as other pertinent information, to each jurisdiction involved in the Cooperative Agreement. The Cooperative Agreement stipulates identification of officers.
- K. Incarceration and Prosecution
  1. In any matter involving the arrest of an individual, where detention is needed and such individual must be transported to the respective county detention center. Tribal Police must provide their ORI and appropriate case number to the Detention Center for inclusion in the booking process. The County also provides a case number as an "assist other agency" for tracking such individuals. Investigative reports must be completed immediately and forwarded to that respective county agency for prosecution and Court purposes. The arresting officer must sign the booking card for his/her arrest.
  2. In the matter of arrests, the jurisdiction in which the person is arrested is where they should be taken for incarceration. If a warrant exists on a person, and he is arrested in another county, the person should be taken to the county of arrest, unless circumstances exist that dictate otherwise. Arrangements should be made with the county holding the warrant to:
    3. Confirm the warrant, through Dispatch, using the standard CJIS method of YQ and YR response regarding active warrants. Copies of the teletypes should be attached to the case involving the arrest. Arrangements between the Detention Centers for transport should be made accordingly. In situations involving PC arrest shall take precedence and overrides any warrant. The person should be taken to where the crime occurred, and the PC arrest exists, for initial detention.
- L. Member Enrollment and Vehicle Information - Upon request by any jurisdiction, including the State Patrol or Police Departments, the Band agrees to provide information as to whether or not an individual is an enrolled member of the Leech Lake Band. In addition, vehicle license information will be provided as needed.

- M. Procedures for Dealing with Persons Experiencing Mental Illness or Chemical Dependency Issues - It is the responsibility of the department who detains or takes charge of a person experiencing mental problems to provide transport for that person to the appropriate or designated location. See the following Statute, MN 253B.05 for clarification and specific language relating to such situations:

**253B.05 EMERGENCY ADMISSION**

**Subd. 1. Emergency hold**

Any person may be admitted or held for emergency care and treatment in a treatment facility, except to a facility operated by the Minnesota sex offender program, with the consent of the head of the treatment facility upon a written statement by an examiner that:

- a) the examiner has examined the person not more than 15 days prior to admission;
- b) the examiner is of the opinion, for stated reasons, that the person is mentally ill, developmentally disabled, or chemically dependent, and is in danger of causing injury to self or others if not immediately detained; and
- c) an order of the court cannot be obtained in time to prevent the anticipated injury.

If the proposed patient has been brought to the treatment facility by another person, the examiner shall make a good faith effort to obtain a statement of information that is available from that person, which must be taken into consideration in deciding whether to place the proposed patient on an emergency hold. The statement of information must include, to the extent available, direct observations of the proposed patient's behaviors, reliable knowledge of recent and past behavior, and information regarding psychiatric history, past treatment, and current mental health providers. The examiner shall also inquire into the existence of health care directives under chapter 145, and advance psychiatric directives under section 253B.03, subdivision 6d.

The examiner's statement shall be: (1) sufficient authority for a peace or health officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. If danger to specific individuals is a basis for the emergency hold, the statement must identify those individuals, to

the extent practicable. A copy of the examiner's statement shall be personally served on the person immediately upon admission and a copy shall be maintained by the treatment facility.

**Subd. 2. Peace or health officer authority**

A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or developmentally disabled and in danger of injuring self or others if not immediately detained. A peace or health officer or a person working under such officer's supervision, may take a person who is believed to be chemically dependent or is intoxicated in public into custody and transport the person to a treatment facility. If the person is intoxicated in public or is believed to be chemically dependent and is not in danger of causing self-harm or harm to any person or property, the peace or health officer may transport the person home. The peace or health officer shall make written application for admission of the person to the treatment facility. The application shall contain the peace or health officer's statement specifying the reasons for and circumstances under which the person was taken into custody. If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information on those individuals, to the extent practicable. A copy of the statement shall be made available to the person taken into custody.

As far as is practicable, a peace officer who provides transportation for a person placed in a facility under this subdivision may not be in uniform and may not use a vehicle visibly marked as a law enforcement vehicle.

A person may be admitted to a treatment facility for emergency care and treatment under this subdivision with the consent of the head of the facility under the following circumstances: (1) a written statement shall only be made by the following individuals who are knowledgeable, trained, and practicing in the diagnosis and treatment of mental illness or developmental disability; the medical officer, or the officer's designee on duty at the facility, including a licensed physician, a licensed physician assistant, or an advanced practice registered nurse who after preliminary examination has determined that the person has symptoms of



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mental illness or developmental disability and appears to be in danger of harming self or others if not immediately detained; or (2) a written statement is made by the institution program director or the director's designee on duty at the facility after preliminary examination that the person has symptoms of chemical dependency and appears to be in danger of harming self or others if not immediately detained or is intoxicated in public.

Name of Agency	Address	Phone	Fax
Beltrami County Sheriff	613 Minnesota Ave NW Bemidji MN 56601	218-751-9111 888-449-9111	218-759-4271 Records 218-755-9322 Dispatch
Cass County Sheriff	PO Box 1119 Walker MN 56484	218-547-1424 800-450-2677	218-547-3394 Records 218-547-7306 Dispatch
Hubbard County Sheriff	301 Court Avenue Park Rapids MN 56470	218-732-3331 888-732-3332	218-732-7517
Itasca County Sheriff	440 1 <sup>st</sup> Ave NE Grand Rapids MN 55744	218-326-3277 800-458-8732	218-326-4663
Leech Lake Tribal Police	6530 Hwy 2 NW Cass Lake MN 56633	218-335-8277 218-335-7100 888-622-9225	218-335-8297
Cass Lake Police	330 2nd St NW Cass Lake MN 56601	218-335-2351	218-335-6308
Minnesota State Patrol	7694 Industrial Park Rd Baxter MN 56425	218-316-3030 651-582-1543	218-828-2600 Records 651-582-1523 Dispatch

### III. CONTACT INFORMATION

**Article VI. Chief of Police Certification**

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Kenneth Washington, Chief of Police, Leech Lake Tribal Police Department

**Article VII. RBC Certification**

These Directives may not be amended except through the express permission of the Leech Lake Reservation Tribal Council. Additional directives and rules for operation of the Leech Lake Tribal Police Department may be adopted, so long as they are in no way in conflict or inconsistent herewith. Such rules and directives must be presented to the Leech Lake Reservation Tribal Council for review and recording.

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Carri Jones, Chairperson  
Leech Lake Band of Ojibwe Tribal Council

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Archie Larose, Secretary/Treasurer  
Leech Lake Band of Ojibwe Tribal Council

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Penny Devault, District I Representative  
Leech Lake Band of Ojibwe Tribal Council

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Steven White, District II Representative  
Leech Lake Band of Ojibwe Tribal Council

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LeRoy Staples Fairbanks III, District III Representative  
Leech Lake Band of Ojibwe Tribal Council