

# MISSOULA POLICE POLICY MANUAL



**DECEMBER 2008**

These Policies and Rules and Regulations of the Missoula City Police Department have been promulgated through the Chief of Police and may be amended, deleted or added to as needed. Amendments to and additions of any policies or rules and regulations will be provided to personnel for insertion in their Policy Book.

**IT IS THE RESPONSIBILITY OF ALL PERSONNEL OF THIS  
DEPARTMENT TO REVIEW, REMAIN AWARE OF AND ADHERE TO  
ALL AMENDMENTS TO THE POLICY BOOK.**

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# CITY OF MISSOULA POLICE DEPARTMENT



*"Professionalism With Pride"*

**December 2008**

To the men and women of the Missoula Police Department:

This 2008 edition of the MPD Policy Manual includes those new directives and changes incorporated into our electronic policy manual's last edition. It is important to me that these policies include the lessons learned from previous incidents. We have relied on research gathered from other law enforcement agencies to compare our existing policies and training procedures. The new and revised policies are the result of what we have learned and they reflect the current best practices from a national perspective.

There is more progress to be made. To prevent delay in steady improvements to our policies and procedures I have authorized the publication of periodic updates until up to date. I am committed to continue gathering the best quality practices on directives, investigative protocols and training to ensure our Department members have the most up-to-date information at hand. New policy changes will be issued to members electronically once placed into effect and incorporated into the next manual edition.

All employees should review those changes highlighted in the section titled **"What's New in this Edition"** when notified of each new edition being published.

## **December 2008 edition highlights**

- All policies in the manual are in searchable format on the Policeserver from any department computer and publicly available on the World Wide Web at [www.ci.missoula.mt.us/police](http://www.ci.missoula.mt.us/police). Links have now been added to the Table of Contents to take you directly to the policy page.
- Policies are color-coded to reinforce importance and relative decision making time usually available to members when acting. (See Policy 1.10)
- Standard Operating Procedures for each Division or Unit may be found on the Department Intranet and the Policeserver for access from Mobile Data Computers.
- Selected appendices, such as forms, are now listed in the "References" section of the directives, and are available from the originating Division.
- Selected forms that are suitable to download in PDF format may be found on the department Intranet.

Respectfully,

Chief Mark Muir

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# CITY OF MISSOULA POLICE DEPARTMENT POLICY MANUAL



*"Professionalism With Pride"*

**DECEMBER 2008 EDITION**

## **WHAT'S NEW IN THIS EDITION...**

**This is the first monthly update to the new manual format. In the past there has been substantial blending of policy with standard operating procedures. We have begun work to change that and many of the policies will reflect the removal of tactics or procedural steps that are considered as risks to officer or community safety if known to the general public.**

**The following policies underwent important changes since the last published policy:**

**1.10 Policy Manual**

Distribution of printed copies for new hires was changed.

**1.70 Job Descriptions**

Community Resource Officer had a minor change in description.

Sergeant eligibility requirements were corrected to 9 years or 7 with degree.

**2.30 Organizational Chart**

Updated to reflect Specialty Sergeants

**2.40 Operational Unit Goals**

Updated budget information for FY 2009 and Department Organizational Chart.

**3.10 Rules and Regulations**

Rule regarding Suspended Officers was deleted due to repealed state statute.

Hours of Work wording changed about being in the station at the start of the shift.

Added requirement to secure all assigned weapons, on and off duty.

**3.40 Inquiries and Complaints Against Employees**

Deleted need to notify police commission of a complaint at the time a complaint is made. Deleted references to Acting Shift Commander (ASC). Set new deadline for supervisor to complete investigation.

**3.80 Internal Investigations**

New Policy

**4.10 Uniform Policy**

Female appearance standards have been updated to reflect some inaccuracies in the last edition.

Removed white T-shirt requirement on dayshift

Added requirement for wearing long sleeve shirt with sleeves fully extended to wrist.

Updated authorized item list is included in appendix.

**5.10 Arrest-Discretion**

New policy

**5.50 Juvenile Arrest and Interview/Interrogation**

New policy

**5.70 Obtaining Arrest Warrants**

New policy

**7.20 Taser**

#3 Added section G.

#8A Six months changed to periodic download of use data

**9.20 Vehicular Pursuit**

Added AAR requirement of supervisors

**9.30 Crashes Involving Police Department Vehicles**

**9.40 Crash Review Board**

**9.60 Mobile Video Policy**

Amended the event list to include more categories

Amended supervisory responsibilities to changes made in network changes

Added retention schedule for events

Specified uploading criteria and video security procedures

**10.20 Partner and Family Member Assaults**

New policy

**10.80 K-9 Unit**

Supervisor to do interview of person contacted

**11.30 Purchasing Evidence/Information**

New policy

**11.35 Confidential Informants**

New policy

**12.10 Records- General**

New policy

**12.11 Information Dissemination**

New policy

**12.12 Records Retention**

New policy

**13.20 FTO Policy**

Evaluation of FTO to occur at end of each phase

Change in preferred assignment from phase to phase

**14.13 Limited English Proficiency**

New policy

**14.14 Obstacle Course**

New policy

**14.15 High Visibility Traffic Vests**

New Policy

The electronic format of this policy manual also allows for the inclusion of certain forms that can be printed should pre-printed forms not be available to a member when needed.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL

## PREFACE

These Policies, Rules and Regulations, as set forth by the Chief of Police, contained in this manual are published for the information and guidance of the Missoula City Police Department. **They are not intended to cover every case which may arise in the discharge of police duties,** as there will be times when the officer will have to use his own discretion and judgment. In fact, his value to the Department will be gauged not only by the way he complies with these Rules and Regulations and Policies but by his demonstrations of good judgment, zeal and activity on all occasions.

All members, at the time of their initial employment and continually thereafter, shall familiarize themselves with the provisions of the Rules and Regulations, Code of Conduct and the Policies and Procedures Manual. They shall conform to and obey such Rules and Regulations and render their services with discretion, enthusiasm and loyalty.

The regulations contained in the Policy Manual will be observed by all members of the Department in order to maintain the confidence, respect, and support of the citizens of the community. The regulations contained herein are intended to provide the foundation for instructions contained in other volumes of Standard Operating Procedures maintained in each Division of the Department.

Violations of regulations in the manual may subject the member to disciplinary action. Action taken will depend upon the seriousness of the offense, the past record of the offender, past warnings, and the seriousness of the consequences of the violation.

### *CONFLICTING OR ILLEGAL ORDERS*

A member who is given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive, will respectfully inform the supervisor who issued the order of the conflict. If the supervisor does not alter or retract the conflicting order, the order shall stand under the following circumstances:

- a) The responsibility for the conflict will be upon the supervisor;
- b) A member will obey the conflicting order and will not be held responsible for disobedience of the order, rule, regulation, or directive issued previously.

A member will not obey any order which requires him to commit an illegal act. If in doubt as to the legality of an order, a member will request the issuing supervisor to clarify the order.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>POLICY MANUAL AND WRITTEN DIRECTIVES</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>12/01/2007</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>1</b>	<i>Policy #</i> <b>1.10</b>	<i>Distribution:</i>
<i>References:</i> <i>Standard Operating Procedures, Operations Bulletins, <a href="http://www.ci.missoula.mt.us/police">www.ci.missoula.mt.us/police</a></i>		

## I. PURPOSE

It is the desire of the Missoula Police Department to provide a framework of written policies and rules to guide the actions of its members. The Department does so to promote professionalism in law enforcement, to protect the members and the Department from allegations of wrongdoing and to build trust in law enforcement within the community.

## II. POLICY

These policies of the Missoula City Police Department have been approved through the Chief of Police. These policies may be amended, deleted or changed by the Chief of Police as needed and those changes will then be provided to department personnel.

It is the responsibility of all personnel of this department to review, remain aware of and adhere to all policies with limited exception. Failure to adhere to policies may result in disciplinary action against a member, up to and including termination.

Policies are color coded to reflect the importance of the policy (either severity or risk) and the relative decision making time a member will have when confronted with a situation.

## III. DEFINITIONS

***Policy*** - a guide that outlines appropriate actions and/or behavior.

***Procedure*** - specified guideline for actions and/or behavior outlining how a policy will be carried out.

***Rule*** - statement that specifies what will or will not be done. Rules are firm principles leaving little or no discretion and cannot be violated.

***Order*** - an instruction, either oral or written, issued by a superior officer or by a member holding a supervisory position within the department.

***Policy Color Coding:***

<b>Policy covers an area of high severity or legal risk, with little decision making time and limited frequency.</b>	<b>Policy covers an area of high severity or legal risk, but with more decision making time or higher frequency.</b>
<b>Policy covers an area of moderate severity or legal risk, but limited frequency and/or decision making time.</b>	<b>Policy, while important, has lower legal risk or there is adequate time to consult policy for guidance before action.</b>

***Police Officer*** - a duly appointed, sworn member of the police department.

***Rated Officer*** - a police officer who holds the rank, either permanent, temporary or probationary, to include sergeant, lieutenant, captain, assistant chief and chief.

***Command Officer*** - a police officer who holds the rank, either permanent, temporary or probationary, to include, lieutenant, captain, assistant chief and chief.

***Staff Officer*** - a police officer who holds the rank, either permanent, temporary, or probationary, to include captain, assistant chief and chief.

***May*** - means that an action or behavior is not mandatory, but implies the use of reasonable discretion.

***Shall*** - means that an action or behavior is mandatory and the affirmative duty to comply.

The terms ***they, he, him, his, and man are intended to be gender neutral.*** This also applies to him/her, he/she, his/hers etc.

#### **IV. PROCEDURES**

##### **A. Policy and other Written Directives**

**1. Department Policies** - Policies consist of the rules, regulations and guidelines developed to assist in delivering professional police services to the community. Policies are established under direction of the Chief.

**2. Standard Operating Procedures** – Each Operational Unit or Division is responsible for developing written procedures for specific routine tasks

that assist members in fulfilling the duties under normal circumstances. S.O.P.'s are developed under the direction of Staff Officers.

**3. Operations Bulletins** – When temporary or timely, permanent changes to policies or procedures are needed to facilitate smooth operation, Operations Bulletins will be issued electronically, published on bulletin boards and read aloud in briefings. Oftentimes, they will later be integrated into new editions of policy or procedure manuals. Operations Bulletins are developed under the direction of Command Officers.

**4. Incident Operational Plans** – Planned operations including major events, prolonged incidents, warrant services and crackdowns or emphasis patrols should include development of a written Operations Plan and be approved through the chain of command. Operational plans should be distributed as part of pre-operational briefings.

**5. Electronic Messaging** – Use of email or MDC messaging is an alternate form of giving written instruction that can be preserved for posterity. Such means should not be considered confidential and may result in public access to sensitive information.

## **B. Access, Use and Electronic Storage**

1. The most current edition of the Policy Manual will be accessible through the City's Internet site, [www.ci.missoula.mt.us/police](http://www.ci.missoula.mt.us/police) and on the department server where RMS is found.

2. The manual is published as a fully searchable, read-only PDF file and requires Adobe Reader ® software to access. Members may use links on the table of contents to go directly to policies from that page.

3. It is also possible to search for individual words or combinations of words within the policy manual using the binocular icon on the Adobe® toolbar.

4. Members should not save/store copies of the PDF file on any department computer hard-drive, fileserver or city network to prevent possibility of outdated policies. Desktop icons directed to the network location of the current edition of the policy manual are acceptable on all department computers.

## **C. Publishing and Distribution**

1. The policies of the department shall be updated at least one time annually. During each update, every policy will be examined according to the scheduled review dates of individual policies.

2. All members will receive notice by means of city email each time a policy is created or has been updated.

3. Changes to specific policies during annual publishing will be mentioned in the section “What’s New in this Edition...”
4. Members will also receive an electronic edition of the policy on CD-ROM during the annual update. Members of the Missoula Police Department are prohibited from printing the policy document on City printers or resources without Staff approval.
5. Each Staff Officer shall additionally receive a printed copy of the policy manual and have it available for public viewing. Staff member will receive printed revisions and new policies when published.
6. The Field Training Sergeant will provide a printed copy of the current policy manual to each new hire officer trainee during the department orientation period. These manuals will be returned to and maintained by the FTO Sergeant after the trainee completes the FTO program.
7. Members of the public desiring CD-ROM or printed copies of past or present policies shall bear the cost of publishing. Full public access to current policies is available on the city website.

#### **D. Responsibilities**

1. All members, upon due notice, are responsible for being aware of and making themselves knowledgeable of the current policies of the department and other written directives within their operational units.
2. Publication of the policy manual is the responsibility of the Assistant Chief of Police. Only two official source files will exist in the public domain, one on the City website and the other on the server used for RMS.
3. Publication of any Standard Operating Procedures or Operations Bulletins are the responsibility of the Unit or Division Commander.
4. Previous editions of the policy manual and any written directives will be archived and maintained according the department’s records retention schedule.

#### **V. CONFLICT OF LAWS**

The policies, rules and regulations promulgated herein shall be separate, distinct and severable. In the event that any individual policy, rule or regulation should conflict with State or Federal law, the Articles of Incorporation of the City of Missoula, City Ordinance, City Resolution or any collective bargaining agreement between the City of Missoula and it's Police Association, then the State law, Articles of Incorporation of the City of Missoula, City Ordinance, City Resolution or the collective bargaining agreement shall control and be applicable so far as is legally practical. If a conflict occurs, all separate, distinct and severable policies rules and regulations shall remain in full force and effect as written, and shall not be affected or invalidated by the existence of any such conflicts.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>OFFICER'S CANON OF ETHICS</b>		
<i>Effective Date:</i> <b>12/01/2006</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>1</b>	<i>Policy #</i> <b>1.20</b>	<i>Distribution:</i>
<i>References:</i> <i>Code of Ethics, General Duties of Members, Job Descriptions</i>		

**Article 1 - Primary Responsibility Of The Service:** The primary responsibility of the service and of the individual officer is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and it's legally expressed will and is never the arm of any political party or clique.

**Article 2 - Limitations Of Authority:** The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state or federal, he must be aware of the limitations and restrictions which the people, through law, have placed upon him. He must recognize the genius of the American system of government, which gives to no man, groups of men, or institution, absolute power, and he must ensure that he, as a prime defender of that system, does not pervert its character.

**Article 3 - Duty To Be Familiar With The Law And With Responsibilities Of Self And Other Public Officials:** The law enforcement officer shall diligently apply himself to the study of the principles of the law which he is sworn to uphold. He will make certain of his responsibilities in matters of technicality or principle when these are not clear to him, he will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and legally.

**Article 4 - Utilization Of Proper Means To Gain Proper Ends:** The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violation of law or disregard for public safety and property on the part of an officer are in their nature wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

**Article 5 - Cooperation With Public Officials In The Discharging Of Their Authorized Duties:** The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

**Article 6 - Private Conduct:** The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain the special privileges, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no man special privileges. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.

**Article 7 - Conduct Toward The Public:** The law enforcement officer mindful of his responsibility to the whole community shall deal with the individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient as no individual citizen has an obligation to greatly admire him nor a right to command him. The officer will give service when he can and require compliance with the law. He will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his sworn obligation.

**Article 8 - Conduct In Arresting And Dealing With Law Violators:** The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator or to mete out punishment for the offense. He shall, at all times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law abiding.

**Article 9 - Gifts And Favors:** The law enforcement officer, representing his government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration is being given. Thus, he should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

**Article 10 - Presentation Of Evidence:** The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

**Article 11 - Attitude Toward Profession:** The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement he shall strive to make the best possible application of science to the solution of crime and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office and hold police work to be an honorable profession rendering valuable service to his community and his country.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



*Subject:*

## LAW ENFORCEMENT CODE OF ETHICS

*Effective Date:*

**12/01/2006**

*Original Date:*

*Next Review:*

**12/01/2009**

*Chapter*

**1**

*Policy #*

**1.30**

*Distribution:*

*References:*

*Canon of Ethics, General Duties of Members, Job Descriptions, Dissemination of Information*

As a Law Enforcement Officer my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder, and to respect the Constitutional rights of all men and women to liberty, equality and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule, develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty, or as directed by a superior officer.

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

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.... law enforcement.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>AUTHORITY TO COMMAND</b>		
<i>Effective Date:</i> <b>12/01/2007</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>1</b>	<i>Policy #</i> <b>1.40</b>	<i>Distribution:</i>
<i>References:</i> <i>Mission and Value Statement, Organization Vision, Organizational Chart, Job Descriptions, General Duties of Members</i>		

## I. PURPOSE

To operate most effectively as a professional law enforcement agency the Missoula Police Department shall provide its members with clear organizational structure and clear authority of command.

## II. POLICY

In order to maintain a proper chain of command, a member will, as a general rule, be required to take direct orders from, and be responsible to, one supervisor.

Supervisors shall exercise direct command over subordinate officers outside their usual command in all situations where the police purpose or the reputation of the Department is jeopardized or if no other provision is made for personnel temporarily unsupervised.

If a supervisor requires a subordinate, not of his command, to leave a regular assignment, the supervisor so directing will inform the subordinate's supervisor as soon as possible.

Adherence to the chain of command shall not be bypassed except in an emergency.

When officers of equal rank are present and in the performance of the same operation, the officer listed first on the Missoula Police Department's personnel roster shall be in command unless otherwise directed.

An officer relieving or temporarily filling the position of a superior in an acting capacity shall be vested with all the authority and responsibilities of the superior. The acting officer shall not interfere with, countermand or modify the orders previously issued by the superior except in extreme situations.

Members acting in the capacity of a higher rank shall be accorded the same obedience and respect, as the permanent ranking officer.

Issuance of orders to a subordinate does not relieve a ranking officer from the responsibility to see that the orders are obeyed.

When a question arises regarding who shall be in command, such designation shall be determined by:

- Rank
- Current listing on the Missoula Police Department's personnel roster.
- By one officer being designated by a competent authority as in command.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>GENERAL DUTIES OF MEMBERS</b>		
<i>Effective Date:</i> <b>12/01/2006</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>1</b>	<i>Policy #</i> <b>1.50</b>	<i>Distribution:</i>
<i>References:</i> <b>MCA Title 7; Canon of Ethics; LE Code of Ethics; Authority to Command</b>		

## DUTIES APPLICABLE TO ALL MEMBERS OF THE DEPARTMENT

- a) All members of the Department shall be charged with the duty of enforcing the laws of the United States, State of Montana, County of Missoula and the ordinances and resolutions of the City of Missoula.
- b) All members of the Department shall acquaint themselves with the duties of the office, position or employment which they hold. They shall perform the duties thereof properly and with care and attention.
- c) Members shall be considered to be on duty at all times and be prepared to act when circumstances indicate a need for police action.

## DUTIES APPLICABLE TO ALL COMMAND OFFICERS

- a) They shall be responsible for the proper enforcement of departmental orders, policies, and rules and regulations within their Division.
- b) They shall require at all times their division to cooperate in every way with other divisions, other City Departments and other Criminal Justice Agencies. They shall constantly work for the prevention of discord between divisions and within their own divisions.
- c) They shall make frequent inspections of their divisions to determine whether or not the officers under their command are properly performing their duties.
- d) They shall carefully read and explain, or have read and explained, to all members of their command all additions to, or modifications of, Department rules and regulations and inter-departmental correspondence pertaining to their division or command.
- e) They shall be held responsible for the conduct and efficiency of the members of their division or command, while on duty.
- f) All command officers shall submit a written report on such acts requiring commendation or disciplinary measures to the Chief of Police, or his designee, upon request.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>MUTUAL AID – MOU'S</b>		
<i>Effective Date:</i> <b>01/01/2007</b>	<i>Original Date:</i> <b>06/19/2002</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>1</b>	<i>Policy #</i> <b>1.60</b>	<i>Distribution:</i>
<i>References:</i>		

## I. PURPOSE

It is the purpose of this policy is to permit officers of the Missoula Police Department the authority to provide law enforcement assistance to officers of other law enforcement agencies. It is also the intent of the Department to exercise the permission of Montana statutes to enter into mutual aid agreements, as noted below:

**\*\*MCA 44-11-302. Purpose.** It is the purpose of this part to permit one or more law enforcement agencies of this state to enter into mutual aid agreements, on the basis of mutual advantage, with one or more law enforcement agencies of any other state or the United States in order to facilitate and coordinate efficient, cooperative enforcement efforts directed at mutual law enforcement problems transcending jurisdictional boundaries and to insure the prompt and effective delivery of law enforcement and emergency services in areas that, due to geographic remoteness, population sparsity, and economic and other factors are in need of an increased law enforcement presence.

## II. POLICY

The Missoula Police Department believes that members be afforded the ability to provide law enforcement assistance to other departments on an as needed basis. To fulfill this need, this policy shall regulate the manner by which officers must obtain permission to provide this assistance when transcending jurisdictional boundaries.

## III. DEFINITIONS

- A. *Requesting Party* - either party requesting law enforcement assistance from another party.
- B. *Assisting Party* - either party rendering law enforcement assistance to the requesting party.

## IV. PROCEDURES

### A. Mutual Assistance

1. When a law enforcement agency outside our jurisdiction is in need of immediate assistance from the Missoula Police Department, a request from the requesting party must first be made, giving the type of assistance that is needed.
  - a. The request should be received and approved by the on-duty shift commander
  - b. After the request has been approved, the officer(s) will be dispatched to provide the assistance.
  - c. A supervisory officer will respond to the scene where the assistance is being provided.
  - d. After the call, the responding officer(s) will document his/their actions in a City of Missoula Police Department CFS report. That report should contain, but not limited to:
    - 1) Type of assistance requested
    - 2) Reason for assistance request
    - 3) Location of call
    - 4) Officers involved
    - 5) Arrests or citations issued
    - 6) Injuries sustained
    - 7) Use of force issues
    - 8) Damages to equipment
    - 9) Names of all involved

### B. Requests for assistance during a pursuit are covered in the City of Missoula Police Department Pursuit Policy.

**MCA 44-11-202. Employing entity to pay normal expenses of assisting officer -- reimbursement.** (1) The law enforcement entity employing a peace officer who renders assistance shall make all wage, pension, and disability payments and payments for damage to clothing and equipment due to the officer as a result of the rendering of assistance and shall pay any medical expense incurred by the officer in rendering assistance for which the officer is not otherwise entitled to reimbursement by operation of law or a contract. The employing entity shall also provide workers' compensation coverage for its employees while they are rendering assistance.

(2) If it so requests, the law enforcement entity must be reimbursed by the law enforcement entity that requested the services for all payments made for wages and damage to clothing and equipment and for any medical expense for which neither the employing entity nor the officer is otherwise entitled to reimbursement by operation of law or a contract.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>JOB DESCRIPTIONS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>10/1/2003</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>1</b>	<i>Policy #</i> <b>1.70</b>	<i>Distribution:</i>
<i>References:</i> <i>General Duties of Members, Authority to Command, Organizational Chart, Operational Unit Goals</i>		

### SWORN OFFICERS

"To protect and to serve" is the purpose and responsibility of the Missoula Police Department. A police officer must enforce the state, federal, and local laws, and must pursue and apprehend those that break the laws. He must assist citizens, giving a helping hand when needed, must be courteous and slow to anger, remembering that he is a servant of the community he works for. A police officer must be an example to the community on or off duty.

**CLASS TITLE:** POLICE OFFICER

**ACCOUNTABLE TO:** Police Sergeant

**STATUS:** Regular, full-time, union

**Primary Objective of Position:** Under general supervision, performs a variety of law enforcement work associated with patrol and traffic control for the Missoula Police Department.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills, and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Duties require the ability to retrieve and disseminate criminal justice information, conduct interviews, intervene in disputes, effect lawful arrest and to testify in court. Also requires frequent dealings with DUI suspects/offenders, intoxicated individuals and persons with mental disorders. Must be able to properly use all weapons assigned by the Police Department.

#### **Tasks:**

Patrols an assigned area of the City on an assigned shift in a radio-equipped vehicle to preserve law and order, including traffic safety enforcement and citations, checking

businesses and residences, discovering and preventing the commission of crimes, and enforcing state and municipal laws and ordinances; responds to calls for assistance, including motor vehicle crashes, assaults, domestic disturbances, thefts, and other criminal or civil complaints; frequently deals with DUI suspects/offenders, other intoxicated persons, and person with mental disorders.

Intervenes in disputes, apprehends suspects, makes arrests, issues citations, identifies witnesses, conducts preliminary investigations, and re-establishes law and order at the scene; prepares documentation of activities performed and information gathered; may conduct follow-up activities; coordinates with prosecutors and court staff to issue warrants and subpoenas, conduct pretrial research and dispositions, and prepare testimony.

Transports suspects and persons with outstanding arrest warrants to jail facilities; ensures that arrested persons are processed into jail in accordance with state and federal guidelines and Police Department; responds to questions and requests from citizens; assists in making presentation; some positions serve as School Resource officers, Crime Prevention Officers, Motorcycle Officers, Field Training Officers, Firearms Instructors, and in other training/instructor positions; performs other duties as assigned.

#### **Knowledge, Skills, and Other Characteristics:**

- Knowledge of the Montana Code Annotated and the Missoula Municipal Code pertaining to police activities and public safety.
- Knowledge of federal, state, county, and City of Missoula laws and ordinances to be enforced.
- Knowledge of the policies, goals, and procedures of the Missoula Police Department.
- Knowledge of the principles and practices of employee supervision and training.
- Knowledge of law enforcement principles, methods, techniques, and practices including investigation, intelligence, surveillance, court procedures, community relations, identification, patrol, special weapons and tactics, traffic control, report preparation, custody of persons and property, and crime prevention.
- Knowledge of equipment used in law enforcement, including weaponry, communications, personal computers, and automotive equipment.
- Knowledge of the street names and locations in the City of Missoula and surrounding area.
- Skill in performing the day-to-day operations of a police officer.
- Skill in understanding and interpreting complex statutes, ordinances, regulations, standards, and guidelines.
- Skill in communicating, in person, in writing, and on two-way radio.
- Skill in preparing reports documenting the facts and actions regarding criminal and civil law enforcement incidents.
- Skill in conducting investigations of criminal activities.
- Skill in establishing and maintaining effective working relationships with City employees, other law enforcement agencies, criminal justice system staff, the business community, and citizens.

**Qualifications:**

- At least 18 years of age
- High School diploma or GED
- Valid Montana Drivers License
- (May require valid motorcycle endorsement)

**CLASS TITLE:**                   **MOTOR OFFICER**

**ACCOUNTABLE TO:**       Traffic Unit Sergeant

**Primary Objectives of Position:** Under supervision of the Traffic Unit Sergeant, provide services directed toward enforcement of traffic law, and assist with traffic control during special events and requests of the Missoula Police Department.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Motor Officers will work hours and areas as assigned by the Traffic Unit Sergeant.
- When no other units are available, Motor Officers will be assigned to take calls and/or back-up other units.
- This position will be highly-visible to the public on the department motorcycle. The primary function is to stop traffic violations and issue them citations based on those violations. Traffic officers will also speak to various organizations on the education of traffic safety and crash prevention.
- Motor Officers will be assigned one motorcycle and no other person shall be permitted to operate that particular motorcycle unless authorized by the Traffic Unit Sergeant, Uniform Patrol Captain, Assistant Chief or Chief of Police.
- Each Motor Officer's assigned motorcycle will be kept in an appropriate storage area at the Motor Officer's home. If a Motor Officer is out of town for any extended period of time, the Traffic Unit Sergeant will make arrangements for storage elsewhere.
- Motor Officers riding their motorcycles off duty (such as to maintenance or for check-out ride) will wear clothing enabling citizens to identify them as police officers and carry their assigned duty firearm; however, a full uniform is not necessary.

- The motorcycle officer position requires safe operation of a motorcycle and daily inspections of equipment. It is also necessary to participate in yearly recertification of their motorcycle skills.
- All traffic officers riding motorcycles will also need a Montana State motorcycle endorsement on their driver's license.
- Motor Officers will use their discretion when deciding whether or not to operate their motorcycle due to inclement weather. However, the applicable Commander and/or Uniform Patrol Captain will make final determination if the motorcycle or a patrol unit will be driven.
- Each Motor Officer will:
  - Properly gas, care for, and maintain the motorcycle;
  - Keep a complete record of maintenance and repairs on motorcycle;
  - Keep motorcycle clean, polished, and in good operating order;
  - When purchasing parts and supplies, use the standard requisition book procedure.
  - Wear all required safety equipment while riding assigned motor unit including; helmet, gloves, glasses, boots, and duty vest.

**CLASS TITLE:                   DUI OFFICER**

**ACCOUNTABLE TO:       Traffic Unit Sergeant**

**Primary Objectives of Position:** Under supervision of the Traffic Unit Sergeant, direct focus and patrol to the detection and apprehension of drivers who are under the influence of alcohol, and/or drugs.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- DUI Officers will work flexible shifts and in areas as assigned by the Traffic Unit Sergeant or in his absence the shift supervisor.
- The DUI Officer will work hours that tend to parallel the times that most DUI offenders are historically located within this jurisdiction.
- The primary function of this position is to locate DUI drivers through aggressive enforcement of traffic violations and through investigation of these contacts.
- DUI Officers will not normally be assigned to respond to calls for service.
- Other duties, or assignments, may be assigned by shift supervisors if deemed necessary.



**CLASS TITLE:                   TRAFFIC OFFICER**

**ACCOUNTABLE TO:       Traffic Unit Sergeant**

**Primary Objectives of Position:** Under supervision of the Traffic Unit Sergeant, provide services directed toward enforcement of traffic law, and assist with traffic control during special events and requests of the Missoula Police Department.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Under the direction of the Traffic Sergeant, routinely patrol within the city limits, promoting traffic safety of all pedestrian, bicyclists and motor vehicle operators.
- Traffic officers' primary function will be to locate and contact traffic violators and issue appropriate citations based on those violations.
- This position will provide guidance and traffic direction for local functions including parades, marches and other events deemed necessary by the Traffic Unit Sergeant.
- Other duties may be assigned by shift supervisors when deemed necessary.

**CLASS TITLE:                   SCHOOL RESOURCE OFFICER**

**ACCOUNTABLE TO:       Quality of Life Sergeant**

**Primary Objectives of Position:** Enforce applicable law within the assigned area high schools. Interact with students, school administrators, and faculty through law enforcement related education.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Interact with school administrators and faculty in the development of the SRO program.
- Prepare instructional materials, lesson plans, student notebooks, teachers' guides, visual aids and handouts.
- Maintain accurate records of all activities as directed by supervisor.

- Address crime and disorder, gangs and drug activities occurring in and around schools.
- Develop and expand crime prevention efforts for students.
- Educate school-aged children through law-related education.
- Develop or expand community justice initiatives for students.
- Train students, teachers, parents and community members of the crime-related matters to build crime awareness.
- Identify problem areas in and around the school campus and recommend physical changes that may reduce crime.
- Assist in developing school safety and emergency management plan.
- Assist in developing school policies addressing crime and recommending procedural changes.

**CLASS TITLE:                  COMMUNITY RESOURCE OFFICER**

**ACCOUNTABLE TO:          Quality of life Sergeant**

**Primary Objectives of Position:** Enforce applicable laws in the assigned area grade and middle schools and the surrounding neighborhoods. In addition will interact with school administrators and faculty and provide opportunities for positive interaction with students.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Will work such hours, perform such duties, and submit such reports as may be required of them by orders of the supervisors and by rules and orders of the department.
- Shall conduct criminal investigations at the grade and middle school levels as they are reported by school administrators, teachers, parents and students.
- Shall dress in patrol uniform, but civilian clothes per division requirements may be directed by supervisor.
- Shall follow up all complaints and cases assigned to them. They shall interview complainants and victims without delay and obtain all pertinent information.

- Identify items of evidence as well as collect and preserve noted items.
- Photograph any items needed during the course of the investigation.
- Assure efforts to apprehend offenders are fully explored.
- Cooperate with other members of both the patrol and detective divisions to effectively and collectively investigate criminal activity.
- Maintain an active, in person relationship with the administrators of the grade schools, middle schools, Youth Court, and Juvenile Probation Officers.

**CLASS TITLE: STREET CRIMES OFFICER**

**ACCOUNTABLE TO: Street Crimes / K-9 Unit Sergeant**

**Primary Objectives of Position:** Add to the available resources of the department in aggressive enforcement of criminal laws with a goal to reduce violent crime, pattern offenses and drug activity.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Works a flexible schedule, as needed, in order to meet the objectives of the Unit.
- Establish sources of intelligence and information, and disseminates it appropriately.
- Participates in the targeting and arresting of career criminals, known offenders and parolees.
- Assists in the assessment of current crime problems to determine those crimes which, because of their nature, frequency or location, require special enforcement tactics to combat.
- Assists in the development and implementation of special enforcement strategies to combat particular crime problems and recognizes the conditions which make it easier for the crimes studied to exist.
- Conducts surveillance as necessary to observe violations or to aid in the apprehension of criminals.
- Assists other units in the apprehension of wanted subjects, the execution of search warrants and sting operations.
- Assists in maintaining files on career criminals, known offenders and recently paroled individuals by tracking and analyzing their involvement with crime and the criminal element in the community.

- Participates in targeting and enforcing laws against criminal offenses committed by gangs and gang members.
- Actively participates in problem solving and setting objectives for the Street Crimes Unit.
- Maintains good working relationships and communication with other units and divisions of the department, other law enforcement agencies, City and County Attorney's Offices, State Probation & Parole in order to better meet the goals of the Unit.

**CLASS TITLE:                    K-9 OFFICER**

**ACCOUNTABLE TO:        Street Crimes / K-9 Unit Sergeant**

**Primary Objectives of Position:** Work with police K-9 to assist the officers of the Missoula Police Department and other law enforcement agencies in tracking/locating property, evidence, and people by using K-9's heightened senses and abilities.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Works a flexible schedule, as needed, in order to meet the objectives of the Unit.
- Ensure the proper feeding, medical care, and shelter is provided for the K-9, which will be at the officer's residence.
- In the event the K-9 Officer is not available to provide these requirements, the K-9 Officer is responsible for securing suitable alternatives.
- Maintain separate logs of training, application, patrol, and narcotics detection.
- Maintain a separate file for K-9 application resulting in a K-9 contact.
- Assists other units in the apprehension of wanted subjects, and the execution of search warrants.
- Actively participates in problem solving and setting objectives for the K-9 Unit.
- Responsible to ensure the proper maintenance and care of the assigned K-9 vehicle.

- Actively participates in K-9 demonstrations as determined by the K-9 supervisor.
- Participate in weekly, ongoing, in-service training.
- Maintain and acquire specialized equipment as needed.
- Ensure proper custody, record keeping, and disposition of drug training aids.
- Maintain a working knowledge of current case law related to K-9 applications.

**CLASS TITLE:                    CRIME PREVENTION OFFICER**

**ACCOUNTABLE TO:        Crime Analysis Sergeant**

**Primary Objectives of Position:** Coordinate community requests for Crime Prevention presentations, assist with security surveys and topics, and sit on various community boards related to Crime Prevention goals.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- The Crime Prevention Officer is the designated coordinator for the Crimestoppers and Neighborhood Watch programs.
- This officer is responsible for taking information from informants and following up on tips provided through Crimestoppers and Neighborhood Watch.
- This officer is an active member of the Crimestopper Board of Directors.
- Attend all Neighborhood Watch Block Captain's meetings and the initial meetings of new programs.
- Assists the neighborhoods in forming their own Neighborhood Watch programs and provides security check surveys to help members better prevent their homes from being burglarized.
- Responsible for handling the majority of the community relations activities with schools and other organizations through talks on numerous crime prevention topics and with youth and adults of all ages.
- Assists Missoula Pre-Release in screening potential clients.

- Review CPTED surveys for Missoula City and Missoula County planning agencies.
- Coordinates Graffiti Task Force.

**CLASS TITLE:                   FIELD TRAINING OFFICER**

**ACCOUNTABLE TO:       Field Training Unit Sergeant**

**Primary Objectives of Position:** Provide training and direct supervision of trainee officers. Observe and document performance of trainee officers for the duration of the Field Training and Evaluation Program, and make recommendations for advancement or remediation of the trainee officer.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Directly supervise the day to day function of trainee officers assigned to them.
- Provide daily, one on one, training to new officers in various law enforcement functions using the department approved task list, including but not limited to;
  - Missoula Police policy and procedure
  - Traffic Enforcement
  - Handling Criminal complaints
  - Contact with victims and witnesses
  - Customer Service
  - Quality of Life
  - Etc
- Document trainee performance each shift and complete a Daily Observation Report.
- Evaluate trainee performance based on Standardized Evaluation Guidelines.
- Completed bi-weekly and end of training phase reports on trainee performance.
- Attend monthly meeting to discuss ongoing training and trainee performance.
- Make recommendations for advancement or for remedial training of trainees they have been assigned.
- Provide assistance and leadership to probationary officers

**CLASS TITLE:**                    **TRAINING COORDINATOR**

**ACCOUNTABLE TO:**            Office of Professional Standards Lieutenant

**Primary Objectives of Position:** Develops and coordinates a comprehensive training program for the Missoula Police Department to ensure the safety of its employees and the public; advance the Police Department's mission, goals and objectives, and; identify opportunities for individual career development.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Develops, recommends and administers annual department training programs.
- Works in close consultation with the Chief of Police, division commanders, and the leaders of the SWAT, Negotiations, CDU and EOD teams in developing training opportunities that are mandated by any controlling legal authority, the Chief of Police, and both general and specialized training needs identified by the division commanders and special team leaders.
- Researches, develops and maintains an expertise in current professional and legal standards in law enforcement operations.
- Reviews proposed training to ensure compliance with applicable statutes and case law, and promote the department's mission, goals and objectives.
- Reviews and evaluates new products, training aids, and equipment.
- Orders and maintains the Department's firearms and ammunition inventory, excluding the firearms and ammunition used by SWAT.
- Develops and administers an annual program to maintain officer certifications, qualifications and proficiency in a variety of areas, including, but are not limited to, firearms, cardio-pulmonary resuscitation, emergency vehicle operations, CJIN/NCIC, and operations involving hazardous materials; monitors training and qualification events.
- Assists the Administrative Captain in preparing the Department's annual training and travel budgets.
- Administers travel and training budgets under the direction of the Administrative Captain and the Assistant Chief of Police.
- Serves as the Missoula Police Department's primary point of contact in dealing with all aspects of training, including but not limited to the Montana Law Enforcement Academy, other law enforcement agencies, training vendors or providers, and trainers within the Missoula Police Department.
- Locates and schedules facilities for training.
- Coordinates enrollment, travel, lodging, per diem, and other arrangements for trainees.
- Maintains all training records, and inputs training information into databases.
- Provides reports on training as requested.

- Advises the department on Montana P.O.S.T. standards; coordinates with Montana P.O.S.T. on training records and standards, and acquire P.O.S.T. certification for delivered training whenever appropriate and/or possible.
- Monitors progress of officers toward achieving various P.O.S.T. certificates, and applies for P.O.S.T. certificates on behalf of qualified officers.
- Assists with coordination of departmental recruiting.
- In cooperation with P.O.S.T., department administration, and Human Resources Office, coordinates the Department's pre-employment physical and written tests for prospective applicants.
- Administers the department's application procedures for prospective applicants.
- Screens employment applications for minimum departmental qualifications, and on occasion assists with pre-employment background investigations.
- Conducts orientation for new officers.
- Oversees the maintenance of the Department's firing range and any other training facility permanently allocated to the Department.
- Provides court testimony regarding all facets of the Department's training program.
- Performs other duties as assigned.

**CLASS TITLE:                    DETECTIVE**

**ACCOUNTABLE TO:        Police Sergeant**

**Primary Objectives of Position:** Under general supervision, performs a variety of work associated with investigating crimes for the Missoula Police Department.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- Evaluates criminal or civil cases and formulates work plan for investigation.
- Assumes responsibility for the successful resolution of all investigation assigned.
- Manages major criminal investigation through planning, directing personnel, and assigning tasks.
- Initiates criminal investigations through investigative effort, confidential informants and civilian contact.
- Responsible for the dissemination of information relating to crime trends, wanted suspects, and officer safety information to other divisions and agencies.
- Conducts a wide range of interviews, including crime victims, witnesses, suspects, and technical experts.
- Conducts surveillance operations and gathers intelligence, may work under cover.
- Prepares documentation of activities and information.
- Coordinates with prosecutors and court staff to issue warrants and subpoenas.
- Conduct pretrial research and dispositions, and prepares testimony.
- Develops and maintains effective working relationships with prosecutors, courts,



- and other agencies.
- Coordinates and supervises the identification, collection, processing, and custody of property and evidence at a crime scene.
  - Cooperates and interacts with law enforcement and criminal justice employees of other jurisdictions and agencies, including the FBI, county probation and family services agencies, and courts.
  - Represents the Police Department in presentations to, and general dealings with, citizens. Performs other duties as assigned.

**CLASS TITLE:**                    **CORPORAL**

**ACCOUNTABLE TO:**        Police Sergeant

**Primary Objectives of Position:** The corporal serves as the shift's supervisory officer in the absence of a sergeant. In that capacity, his or her primary responsibility is exacting the proper performance of police duties from patrol officers according to the departments policing goals.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE OFFICER;**

- The corporal is charged with ensuring compliance with the department's oral and written orders. He or she is directly responsible to his or her assigned sergeant(s).
- The corporal shall have a thorough understanding of the duties of patrol officers and shall assist and instruct the officers under his or her supervision in the proper performance of their duties.
- The corporal, when not required to act as shift supervisor, will have a primary responsibility of handling or assisting on Calls for Service and a secondary responsibility of sharing the leadership and development of other team members.
- Serves as shift supervisor in the absence of the shift sergeant(s)

- Promotes the rules and regulations and general orders of the department.
- Handles initial taking of complaints on personnel and follows department procedures in their handling.
- Responsible for inspections, cleanliness of officers and equipment, and reports to the sergeant any difficulties.
- Insures that subordinates deal fairly, honestly, and consistently with the public, other officers, and other agencies. Promotes good morale and insures against dissension among subordinates and other members of the department.
- Familiarizes self with the known criminal element and crime patterns within the city and collects and disseminates this information within the department.
- May participate in the Field Training Officer Program and help properly train new recruits and, and will assist them in handling difficult problems and investigations.
- Performs all work required of a police officer. Patrols an assigned area of the city in a radio-equipped vehicle to preserve law and order by discovering/preventing the commission of crimes and enforcing state and municipal laws and ordinances.
- Responds to calls and complaints involving automobile accidents, robberies, assaults, fights, domestic disturbances, and other criminal activities and civil complaints to secure the crime scene, identify witnesses, conduct preliminary investigations, and generally re-establish law and order.
- Enforces traffic laws and ordinances by issuing warnings and citations when violations are observed.
- Prepares reports, complaints, affidavits, and other related documents; appears in court to present evidence and sworn testimony on behalf of the state or city; arrests, questions, and transports suspects and/or persons with outstanding arrest warrants to City Jail facilities.

**Knowledge, skills, and abilities**

- Thorough knowledge of departmental policies and S.O.P.'s.
- Thorough knowledge of approved principles, practices, and procedures of police work.
- Thorough knowledge of pertinent state laws, city ordinances, and court decisions.
- Thorough knowledge of the geography of the city and adjoining area.

- Thorough knowledge of the principles and practices of employee supervision, including performance evaluation and progressive discipline.
- Skill in establishing and maintaining effective working relationships with other law enforcement agencies and regulatory agency/organization staff, city officials, criminal justice system staff, and the public.
- Skill in understanding and interpreting complex statutes, ordinances, regulations, and standards.
- Skill in preparing reports documenting the facts and actions regarding civil/criminal incidents.
- Skill in conducting investigations of criminal activities.
- Skilled in the use of police equipment
- Ability to treat citizens courteously and respectfully.

**Education and experience**

Minimum seven (7) years law enforcement experience or five (5) years law enforcement experience with at least an AA degree in Criminal Justice or comparable emphasis. Must have served on the Missoula Police Department as a Police Officer for a minimum of three (3) years. Must possess and maintain a valid driver's license.

**CLASS TITLE:** SERGEANT

**ACCOUNTABLE TO:** Police Lieutenant

**Primary Objectives of Position:** Under limited supervision, supervises law enforcement activities of police officers/detectives, and/or civilian personnel on an assigned shift and investigates and manages complex or sensitive cases.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills, and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Duties require the ability to retrieve and disseminate criminal justice information, conduct interviews, intervene in disputes, effect lawful arrest and to testify in court. Also requires frequent dealings with DUI suspects/offenders, intoxicated individuals and persons with mental disorders and violent offenders. May require physical contact with all aforementioned people.

Must be able to properly use all weapons assigned by the Police Department.

**Tasks:**

Supervises patrol, detective, traffic, and special assignment police officers during an assigned shift; monitors all police activity on street and in station, including police patrol, intervention in domestic violence situations, apprehending criminal suspects, making arrests, investigating crimes, gathering intelligence, collecting evidence, enforcing laws, monitoring traffic and assisting citizens.

Serves as shift commander; assigns work duties, patrol vehicles, and patrol areas; makes decisions on handling of cases, suspects, and persons in custody; advises and guides officers and detectives in handling incidents and cases; evaluates performance of employees and recommends training, discipline, or promotion; reviews police reports and criminal charges prepared by officers and civilian employees for completeness and accuracy.

Performs research and assists in policy development and building new programs. Performs training of subordinates, approves schedule changes and adjusts manpower accordingly. Assess all unattended death scenes, activates special teams when needed, prepare media releases and keeps department staff officers apprised of all pertinent activities.

Performs the full range of duties of subordinate officers when necessary for the efficient, effective, and timely operation of the Police Department; responds to calls, investigates cases, writes reports and makes arrests; resolves operational problems and questions arising from staff and citizens; investigates and handles complaints pertaining to officer conduct or activities.

Represents Police Department on task forces and committees.

Assists in training of officers and detectives; prepares payroll rosters indicating pay differentials for acting pay, shift differentials, and special assignment; schedules vehicle maintenance and repairs; some positions supervise special assignment officers, such as motorcycle officers, canine units, School Resource officers, SWAT teams, and crime prevention officers; some positions serve as hostage negotiator or senior intoxilyzer operator; performs other duties as assigned.

### **Knowledge, Skills, and Other Characteristics:**

- Knowledge of the Montana Code Annotated and the Missoula Municipal Code pertaining to police activities and public safety.
- Knowledge of federal, state, county, and City of Missoula laws and ordinances to be enforced.
- Knowledge of the policies, goals, and procedures of the Missoula Police Department.
- Knowledge of the principles and practices of employee supervision and training, risk management.
- Knowledge of law enforcement principles, methods, techniques, and practices including investigation, intelligence, surveillance, court procedures, community

relations, identification, patrol, special weapons and tactics, traffic control, records management, report preparation, custody of persons and property, and crime prevention.

- Knowledge of equipment used in law enforcement, including weaponry, communications, personal computers, and automotive equipment.
- Knowledge of the street names and locations in the City of Missoula and surrounding area.
- Skill in managing the day-to-day operations of police officers and detectives on an assigned shift.
- Skill in understanding and interpreting complex statutes, ordinances, regulations, standards, and guidelines.
- Skill in directing and supervising employees.
- Skill in communicating, in person and on two-way radio.
- Skill in preparing reports documenting the facts and actions regarding criminal and civil law enforcement incidents.
- Skill in conducting investigations of criminal activities.
- Skill in establishing and maintaining effective working relationships with City employees, other law enforcement agencies, criminal justice system staff, the business community, and citizens.

**Qualifications:**

High school diploma or equivalent and nine (9) years full-time professional law enforcement work OR Associates degree or bachelor's degree in police science or related field and seven (7) years full-time professional law enforcement work. Certified peace officer. Montana driver's license (may require motorcycle operator endorsement). Two hundred (200) hours P.O.S.T. training without Basic Training at MLEA.

**CLASS TITLE:** FTO / SPECIAL PROJECTS SERGEANT

**ACCOUNTABLE TO:** Police Lieutenant

**Primary Objectives of Position:** Under limited supervision, supervises law enforcement activities of Field Training Officers, their assigned trainees, and the Field Training and Evaluation Program. Supervises and assists with projects as required and assigned.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE SERGEANT:**

- Schedules training assignments for Field Training Officers and trainees.
- Oversees the Field Training and Evaluation Program through review of daily observation reports, weekly and end of phase evaluations, and personal contact with Field Training Officers and Trainees.

- Maintains documentation of training files and ensures that training files are secured and remain confidential to Field Training Officers, Field Training Board, and staff officers.
- Coordinates monthly meetings to ensure smooth transition of trainees between training phases.
- Recruits Field Training Officers through personal contact and discussion with other supervisors.
- Assists Field Training Officers with specific training issues when required.
- Schedules and coordinates initial training through the Missoula Police Department's Intensive Mini Academy.
- Serves as contact with staff officers regarding trainee progress and performance.
- Serves on FTO Board to review trainee advancement or remediation.
- Supervises or assists with any special projects as determined or assigned by Missoula Police Department staff.
- May be assigned to fill long term vacancies on patrol teams as needed.

**CLASS TITLE: STREET CRIMES / K-9 UNIT SERGEANT**

**ACCOUNTABLE TO: Police Lieutenant**

**Primary Objectives of Position:** Direct the activities and work of subordinate Street Crimes Unit and K-9 officers, ensuring subordinates effectively add to the available resources of the department in aggressive enforcement of criminal laws with a goal to reduce violent crime, pattern offenses, and drug activity. Evaluate the performance of subordinates. Discipline subordinate officers and employees. Relieve subordinate personnel from duty.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE SERGEANT:**

- Keeps informed of crime trends in the city and surrounding area.

- Works with other Supervisors in identifying crime trends in the city and surrounding areas that could be impacted on by the Street Crimes Unit.
- Actively works as a member of the Street Crimes Unit and directly supervises the activities of the Street Crimes Officers.
- Assist in the analysis of current crime problems to determine those crimes which because of their nature, frequency or location require special enforcement tactics to combat.
- Assist in the development of special enforcement strategies to combat particular crime problems.
- Conduct surveillance, as necessary to observe violations or to aid in the apprehension of criminals.
- Participate in the targeting and arresting of career criminals and parolees who continue to commit criminal offenses in the community.
- Ensures officers are maintaining files on career criminals and recently paroled individuals by tracking and analyzing their involvement with crime and the criminal element in the community.
- Actively participates in problem solving and setting objectives for the Street Crimes Unit.
- Maintains good working relationships with other units and divisions of the department, other law enforcement agencies, State's Attorney's Office, Probation Department, and Department of Corrections, Parole Division, in order to better meet the goals of the Unit.
- Assigns Street Crimes Officers and K-9 Handlers including scheduling for shifts, training, and K-9 care.
- Coordinates efforts between Street Crimes Officers, K-9 Handlers, detectives, and any other law enforcement agency requiring services of these specialized units.
- Reviews requests for K-9 applications from this agency or any other law enforcement agency requesting K-9 for ongoing deployment.
- Authorizes or declines deployment based on departmental policy, availability, etc.

**CLASS TITLE:**

**QUALITY OF LIFE SERGEANT**

**ACCOUNTABLE TO:**

Police Lieutenant

**Primary Objectives of Position:** Coordinate information gathered on Quality of Life problems within the city, and direct efforts to deal with identified offenders. Supervise the officers and programs of School Resource Officers and Community Resource Officers.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE SERGEANT:**

- Work with citizens, community members, committees, and any other forum to assist in identifying and resolving quality of life issues within this jurisdiction.
- Assist in creating, amending, or interpreting, laws and ordinances related to quality of life problems.
- Review and organize information on quality of life issues provided from patrol officers and detectives.
- Enforce laws and ordinances that apply to the issues conveyed by other members of this department.
- Assist in the recruitment, selection, and training of officers for specialized duty assignments of School Resource Officers (SRO), and Community Resource officers (CRO).
- Schedule and supervise SRO and CRO Officers during their day to day operations for school year assignments.
- Schedule and supervise SRO and CRO Officers during the summer and assign them to meet the requirements of the goals of this department, such as bicycle patrol, parks patrol, and enforcement of laws and ordinances of the downtown area.
- Supervise additional personnel assigned to Community Policing as they become necessary or valuable to meeting the goals of the department.
- May be involved in any other forums, committees, or assignments as determined by staff.

**CLASS TITLE:**                      **TRAFFIC SERGEANT**

**ACCOUNTABLE TO:**                Police Lieutenant

**Primary Objectives of Position:**

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE SERGEANT:**

- Supervises patrol, detective, traffic, and special assignment police officers during an assigned shift (including bicycle patrol, motorcycle patrol and other traffic investigators and/or officers)
- Monitors all police activity on street and in station, including police patrol, intervention in domestic violence situations, apprehending criminal suspects, making arrests, investigating crimes, gathering intelligence, collecting evidence, enforcing laws, monitoring traffic and assisting citizens.
- Investigates crashes and supervises crash investigations.
- Prepares traffic statistics and submits quarterly reports to Uniform Patrol Captain.
- Monitors unit's budget allocation.
- Supervises abandoned vehicle program with department personnel and volunteers.
- Serves as shift commander; assigns work duties, patrol vehicles, and patrol areas
- Makes decisions on handling of cases, suspects, and persons in custody



- Advises and guides officers and detectives in handling incidents and cases
- Evaluates performance of employees and recommends and plans training, discipline, or promotion
- Reviews police reports and criminal charges prepared by officers and civilian employees for completeness and accuracy.
- Reviews and processes all Street and Sidewalk Use Permits
- Prepares and implements all traffic and crash analysis plans.
- Serves as department's representative for all transportation-related commitments including Safe Kids Safe Community Coalition, Missoula Bike/Pedestrian Committee and all other Department of Transportation related commitments.
- Serves as a resource for media personnel as it relates to traffic issues.
- Participates in the development of a comprehensive traffic plan.
- Performs the full range of duties of subordinate officers when necessary for the efficient, effective, and timely operation of the Police Department
- Responds to calls, investigates cases, writes reports, and makes arrests
- Resolves operational problems and questions arising from staff and citizens
- Investigates and handles complaints pertaining to officer conduct or activities. Represents Police Department on task forces and committees.
- Assists in training of officers; prepares payroll rosters indicating pay differentials for acting pay, shift differentials, and special assignment; schedules vehicle maintenance and repairs
- Performs other duties as assigned.

**CLASS TITLE:**                      **DETECTIVE SERGEANT**

**ACCOUNTABLE TO:**                Police Lieutenant

**Primary Objectives of Position:** Under limited supervision, supervises law enforcement activities of police officers/detectives, and/or civilian personnel on an assigned shift and investigates and manages complex or sensitive cases.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE SERGEANT:**

- Supervises detectives, and may supervise traffic and special assignment police officers during an assigned period or event.
- Monitors all police activity on street and in station, including police patrol, intervention in domestic violence situations, apprehending criminal suspects, making arrests, investigating crimes, gathering intelligence, collecting evidence, enforcing laws, monitoring traffic and assisting citizens.
- Serves as shift commander; assigns work duties, and vehicles; makes decisions on

- handling of cases, suspects, and persons in custody.
- Advises and guides officers and detectives in handling incidents and cases.
  - Evaluates performance of employees and recommends training, discipline, or promotion. Reviews police reports and criminal charges prepared by officers and civilian employees for completeness and accuracy.
  - Performs the full range of duties of subordinate officers when necessary for the efficient, effective, and timely operation of the Police Department.
  - Responds to calls, investigates cases, writes reports and makes arrests.
  - Resolves operational problems and questions arising from staff and citizens.
  - Takes and processes intake complaints pertaining to officer conduct or activities.
  - May represent the Police Department on task forces and committees.
  - Assists in training of officers and detectives.
  - Prepares payroll rosters indicating pay differentials for acting pay, shift differentials, and special assignment.
  - Schedules vehicle maintenance and repairs.
  - Some positions supervise special assignment officers, and provide supervision to detectives assigned to various task forces.
  - Coordinates with task force commanders to ensure the Department's policies and procedures are followed by detectives assigned to the task force.
  - Performs other duties as assigned.

**CLASS TITLE:**                    **LIEUTENANT**

**ACCOUNTABLE TO:**        Police Captain

**Primary Objectives of Position:** Under limited supervision, supervises the day-to-day activities of uniformed patrol, investigations and /or civilian employees for the Missoula Police Department, on an assigned shift.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills, and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Duties require the ability to retrieve and disseminate criminal justice information, conduct interviews, intervene in disputes, effect lawful arrest and to testify in court. Also requires frequent dealings with DUI suspects/offenders, intoxicated individuals and persons with mental disorders. Must be able to properly use all weapons assigned by the Police Department.

**Tasks:**

Coordinates and supervises the organization, staffing and operational activities, programs, functions, and services for an assigned division, on an assigned shift; assigns work to employees; directs, coordinates, and review the work plans for the assigned operations; monitors and evaluates employees' performance, methods, and results to correct deficiencies and build; coordinates or provides training. Implement disciplinary actions.

Responds to major crime and accident scenes; assumes command of police activities until relieved by a staff; ensures that standard operating procedures and guidelines are followed for each situation; supervises investigations, interviews, and interrogations in the field; conducts complex or sensitive investigations; resolves inquiries and complaints; prepares and maintains records and reports related to crime scene and accident activities.

Coordinates assigned services and activities with other divisions and outside agencies; assists with development of department operating policies and procedures; communicates information between line employees and command staff; assists with development of Division's budget, goals, objectives, and work plan; facilitates public relations during field operations and public appearances with schools, businesses and citizens. .

**Knowledge, Skills, and Other Characteristics:**

- Knowledge of the Montana Code Annotated and the Missoula Municipal Code pertaining to police activities and public safety.
- Knowledge of federal, state, county, and City of Missoula laws and ordinances to be enforced.
- Knowledge of the policies, goals, and procedures of the Missoula Police department.
  
- Knowledge of the principles and practices of employee supervision and training, and risk management.
- Knowledge of law enforcement principles, methods, techniques, and practices including investigation, intelligence, surveillance, court procedures, community relations, identification, patrol, special weapons and tactics, traffic control, records management, report preparation, custody of persons and property, and crime prevention.

- Knowledge of equipment used in law enforcement, including weaponry, communications, personal computers, and automotive equipment.
- Knowledge of the street names and locations in the City of Missoula and surrounding area.
- Skill in managing the day-to-day operations of a municipal police division on an assigned shift, including patrol, investigation, training, budgeting, and administrative functions.
- Skill in understanding and interpreting complex statutes, ordinances, regulations, standards, and guidelines.
- Skill in directing and supervising employees.
- Skill in coordinating operations and activities with other divisions.
- Skill in communicating, in person and on two-way radio.
- Skill in preparing reports documenting the facts and actions regarding criminal and civil law enforcement incidents.
- Skill in conducting investigations of criminal activities.
- Skill in establishing and maintaining effective working relationships with City employees, other law enforcement agencies, criminal justice system staff, the business community, and citizens.

**Qualifications:**

Bachelor's degree in police science or related field and eight (8) years full-time professional law enforcement work, at least one year of which included responsibility as a supervisor in division's area of concentration OR ten (10) years full-time professional law enforcement work, at least one year of which included responsibility as a supervisor in division's area of concentration. Certified peace officer.

**CLASS TITLE:                    PROFESSIONAL STANDARDS LIEUTENANT**

**ACCOUNTABLE TO:        Police Captain**

**Primary Objectives of Position:**

Under limited supervision, supervises the day-to-day activities of police officers and civilian employees for the Missoula Police Department, in assigned units or functions. The office of Professional Standards provides single point management of administrative functions that include hiring and career development, training and internal investigations.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE LIEUTENANT:**

- Coordinates and supervises the organization, staffing and operational activities,

programs, functions, and services for an assigned division.

- Assigns work to employees; directs, coordinates, and review the work plans for the assigned operations; monitors and evaluates employees' performance, methods, and results to correct deficiencies and build; coordinates or provides training. Implement disciplinary actions.
- Coordinates assigned services and activities with other divisions and outside agencies; assists with development of department operating policies and procedures; communicates information between line employees and command staff; assists with development of Division's budget, goals, objectives, and work plan; facilitates public relations during field operations and public appearances with schools, businesses and citizens.
- Manage the recruitment, selection and hiring of all department employees, with an emphasis on recruiting and hiring female and minority employees. Manage the officer promotion process. Manage all internal administrative/disciplinary and criminal investigations, including investigations of alleged employee misconduct. Oversee the Department's training in a manner that meets statutory and policy mandates, high professional standards, career development and leadership goals, and community needs. Assist the Administrative Captain with the management of the operations of the Strategic Planning Unit (SPU).

**CLASS TITLE:**                    **DETECTIVE LIEUTENANT**

**ACCOUNTABLE TO:**        Police Captain

**Primary Objectives of Position:** Under limited supervision, supervises the day-to-day activities of detectives, police officers and civilian employees for the Missoula Police Department, on an assigned shift.

**DUTIES AND RESPONSIBILITIES REQUIRED IN ADDITION TO THOSE OF POLICE LIEUTENANT:**

- Coordinates and supervises the organization, staffing and operational activities of the division, programs, functions, and services for an assigned division, on an assigned shift.
- Assigns work to employees.
- Directs, coordinates, and reviews the work plans for the assigned operations.
- Monitors and evaluates employees' performance, methods, and results to correct deficiencies and build.
- Coordinates or provides/approves training.
- Implement disciplinary action as required.

- Responds to major crime and accident scenes and assumes command of police activities until relieved by a staff officer.
- Ensures that standard operating procedure and guidelines are followed for each situation.
- Supervises investigations, interviews, and interrogations in the field.
- Conducts complex or sensitive investigations.
- Resolves inquiries and complaints.
- Prepares and maintains records and reports related to crime scene and accident activities.
- Coordinates assigned services and activities with other divisions and outside agencies.
- Assists with development of department operating policies and procedures. Communicates information between line employees and command staff.
- Assists with development of Division's budget, goals, objectives, and work plan.
- Facilitates public relations during field operations and public appearances with schools, businesses and citizens. .

**CLASS TITLE:** POLICE CAPTAIN

**ACCOUNTABLE TO:** Police Chief

**Primary Objective of Position:** Under limited supervision, manages the day-to-day activities of a police division, such as investigations, uniformed patrol, or administration and training.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills, and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Duties require the ability to retrieve and disseminate criminal justice information, conduct interviews, intervene in disputes, effect lawful arrest, and to make oral and written presentations to citizen groups, city council members and the general public. Must be able to properly use all weapons assigned by the Police Department.

**Tasks:**

Coordinates and directs the operations of a police division, such as investigations, uniformed patrol, and administration, communications and records and training; assigns work and monitors its completion; guides staff in performing duties, such as interviewing victims, witnesses, and suspects, researching cases, supervising other employees, handling complaints, and preparing reports; trains and advises employees on appropriate methods and techniques for completing assignments.

Develops operating and capital budgets for division; approves and monitors spending, use

of resources, and overtime; identifies training needs, evaluates assigned personnel, and works with employees to correct deficiencies and build strengths; develops and oversees standard operating procedures; drafts Division work policies; assists with strategic planning for the Department; develops divisional goals and objectives, and work plans for achieving them.

Coordinates the activities of assigned Division with other Police Divisions to facilitate efficient, effective, and professional departmental operations; identifies areas and methods for improved performance, communication, and cooperation between Divisions; some positions manage recruitment, training and testing for department personnel; some positions manage investigations; some positions manage uniformed patrol and traffic enforcement activities.

### **Knowledge, Skills, and Other Characteristics:**

- Knowledge of the Montana Code Annotated and the Missoula Municipal Code pertaining to police activities and public safety.
- Knowledge of federal, state, county, and City of Missoula laws and ordinances to be enforced.
- Knowledge of the policies, goals, and procedures of the Missoula Police Department.
- Knowledge of the principles and practices of employee supervision and training, and risk management.
- Knowledge of law enforcement principles, methods, techniques, and practices including investigation, intelligence, surveillance, court procedures, community relations, identification, patrol, special weapons and tactics, traffic control, records management, report preparation, custody of persons and property, and crime prevention.
- Knowledge of equipment used in law enforcement, including weaponry, communications, personal computers, and automotive equipment.
- Knowledge of the street names and locations in the City of Missoula and surrounding area.
- Skill in managing the day-to-day operations of a municipal police division, including patrol, investigation, crime prevention, training, communications, records, budgeting, and administrative functions.
- Skill in understanding and interpreting complex statutes, ordinances, regulations, standards, and guidelines.
- Skill in directing and supervising employees.
- Skill in identifying employee training needs and developing programs and training to improve performance.
- Skill in coordinating operations and programs with other divisions' needs.
- Skill in communicating, in person and in writing.
- Skill in preparing reports documenting the facts and actions regarding criminal and civil law enforcement incidents.
- Skill in conducting investigations of criminal activities.

- Skill in establishing and maintaining effective working relationships with elected officials, City employees, other law enforcement agencies, criminal justice system staff, the business community, and citizens.

**Qualifications:**

Bachelor's degree in public administration, police science or related field and five years full-time professional law enforcement work, at least two years of which included responsibility as a Lieutenant Watch Commander, or higher level managerial experience in division's area of concentration OR seven years full-time professional law enforcement work, at least five years of which include responsibility as a sergeant with the Missoula Police Department or at least two years of which included responsibility as a Lieutenant, Watch Commander or higher level managerial experience in division's area of concentration. Candidate must be a certified peace officer.

**CLASS TITLE:** DETECTIVE CAPTAIN

**ACCOUNTABLE TO:** Police Chief

**STATUS:** Regular, full-time, non-union

**Primary Objective of Position:** Under limited supervision, manages the day-to-day activities of the Detective Division.

- Coordinates and directs the operations of the Detective Division.
- Assigns work and monitors its completion.
- Guides staff in performing duties, such as interviewing victims, witnesses, and suspects, researching cases, supervising other employees, handling complaints, and preparing reports.
- Trains and advises employees on appropriate methods and techniques for completing assignments.
- Develops operating and capital budgets for division, approves and monitors spending, use of resources, and overtime.
- Identifies training needs, evaluates assigned personnel, and works with employees to correct deficiencies and build strengths.
- Develops and oversees standard operating procedures.
- Drafts Division work policies, and assists with strategic planning for the Department.
- Develops divisional goals and objectives, and work plans for achieving them.
- Coordinates the activities of the Detective Division with other Police Divisions to facilitate efficient, effective, and professional departmental operations.
- Identifies areas and methods for improved performance, communication, and cooperation between Divisions.
- Participates in the coordination and management of multi-jurisdictional task forces. Coordinates with City and County Attorney's Offices and other outside



agencies to deliver quality police service.

**CLASS TITLE:** ASSISTANT POLICE CHIEF

**ACCOUNTABLE TO:** Police Chief

**STATUS:** Regular, full-time, non-union

**Primary Objective of Position:** Under limited supervision, assists in administering the Missoula Police Department including budget development and reporting, communications and records, disaster emergency services, and personnel matters. Supervision of Police Department Special Teams.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills, and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Duties require the ability to retrieve and disseminate criminal justice information, conduct interviews, intervene in disputes, effect lawful arrest and to testify in court. Duties require high level of contact with City and elected officials, boards, commissions, and citizen groups. Duties require this position be able to properly use the weapons issued by the Police Department.

**Tasks:**

Assists with development of policies, regulations and procedures, including research of other police departments' practices; manages special projects, such as developing reorganization and staff deployment; works with labor union representatives to review and revise job descriptions; serves as a liaison between the Chief of Police and department employees to follow up on Chief's directives, goals, and concerns.

Assesses and monitors the effectiveness and efficiency of service delivery methods and

procedures including assessing workload administrative and support systems, internal relationships and other related issues and makes recommendations of the Police Chief.

Acts as Chief in his absence attending Missoula City Council committee meetings, Senior Management and Administrative Leadership Team meetings; coordinates disaster emergency services, supervises the EOD, SWAT, Negotiating and CDU Teams; advises captains and other employees on operational procedures and problem solving; assists with strategic planning; coordinates budget development and assists Department staff in development of goals and objectives, work plans, budget requests and performance measurements.

Participates in the department's grant development, expenditures and allocations.

Represents the Missoula Police Department with the Missoula Police Commission and handles complaints, meets with community groups such as neighborhood councils and Neighborhood Watch to disseminate and collect information; represents the Department on various law enforcement study commissions.

Coordinates the department's community policing activities with the Plans Unit. Represents the department at an executive level in interdepartmental and interagency relationships.

**Knowledge, Skills, and Other Characteristics:**

- Knowledge of the Montana Code Annotated and the Missoula Municipal Code pertaining to police activities and public safety.
- Knowledge of federal, state, county, and City of Missoula laws and ordinances to be enforced.
- Knowledge of the policies, rules, and procedures of the Missoula Police Department.
- Knowledge of the principles and practices of employee supervision and training.
- Knowledge of Missoula Police Association contract.
- Knowledge of law enforcement principles, methods, techniques, and practices including investigation, intelligence, surveillance, court procedures, community relations, identification, patrol, special weapons and tactics, traffic control, records management, report preparation, custody of persons and property, and crime prevention.
- Knowledge of equipment used in law enforcement, including weaponry, communications, personal computers, and automotive equipment.
- Knowledge of the street names and locations in the City of Missoula and surrounding area.
- Skill in understanding and interpreting complex statutes, ordinances, regulations, standards, and guidelines.
- Skill in advising and supervising command, operations, and support staff.
- Skill in evaluating operations and programs to determine if they meet community needs.
- Skill in negotiating and communicating, in person and in writing.

- Skill in establishing and maintaining effective working relationships with elected officials, City employees, other law enforcement agencies, criminal justice system staff, the business community, and citizens.

**Qualifications:**

Bachelor's degree in public administration, police science or related field and six years full-time professional law enforcement work, at least three years of which include responsibility as a command level supervisor/administrator or higher level managerial experience OR eight years full-time professional law enforcement work, at least three years of which include responsibility as a command level supervisor/administrator or higher level managerial experience. Certified peace officer.

**CLASS TITLE:** POLICE CHIEF

**ACCOUNTABLE TO:** Chief Administrative Officer

**STATUS:** Regular, full-time, non-union

**Primary Objective of Position:** Under general direction, manages all activities of the City of Missoula Police Department.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills, and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Duties require the ability to retrieve and disseminate criminal justice information, conduct interviews, intervene in disputes, effect lawful arrest and to testify in court. Duties require high level of contact with City and elected officials, boards, commissions, and citizen groups. Must be able to properly use all weapons assigned by the Police Department.

**Tasks:**

Directs and coordinates with the department's division supervisors the overall activities of the Police Department, including administration, uniformed patrol, investigations, training, communications, and records; develops and implements rules, regulations, policies and procedures to advance the Department's mission, goals and objectives, and to provide efficient and effective police services to the City of Missoula.

Determines levels of staff, equipment, and other resources needed to effectively protect the City of Missoula, and its residents, businesses, and visitors; develops and implements the Department's annual operating and capital budget, with input from supervisory staff; approves recommendations regarding the appointment, promotion, suspension, and dismissal of Police Department employees; oversees the handling of disciplinary actions.

Develops and coordinates the strategic planning for the Department, including participation in the City's overall strategic planning; represents the Missoula Police Department in meetings with City officials, civic organizations, and other law enforcement agencies to discuss department functions, coordinate joint activities and programs, and identify and facilitate the resolution of law enforcement issues and problems.

Directs and coordinates the investigations of sensitive and major crimes; handles grievances, complaints, and conflicts with employees and their union; works with other City departments to maintain interdepartmental cooperation and coordination in the area of public safety; serves on a variety of task forces, committees, and boards involved with law enforcement and related issues.

Reviews crime rates, accident rates, and related statistics to determine the effective deployment of staff and other resources; prepares and directs the preparation of a variety

of reports to inform the City Council, Chief Administrative Officer, Mayor, and other federal, state, and municipal officials of Department activities and the status of various programs and projects.

Represents the department at an executive level in interdepartmental and interagency relationships.

**Knowledge, Skills, and Other Characteristics:**

- Knowledge of the Montana Code Annotated and the Missoula Municipal Code pertaining to police activities and public safety.
- Knowledge of federal, state, county, and City of Missoula laws and ordinances to be enforced.
- Knowledge of the policies, goals, and procedures of the Missoula Police Department.
- Knowledge of the principles and practices of employee supervision and training, and risk management.
- Knowledge of Missoula Police Association contract.
- Knowledge of law enforcement principles, methods, techniques, and practices including investigation, intelligence, surveillance, court procedures, community relations, patrol, special weapons and tactics, traffic control, records management, report preparation, custody of persons and property, and crime prevention.
- Knowledge of equipment used in law enforcement, including weaponry, communications, personal computers, and automotive equipment.
- Knowledge of the street names and locations in the City of Missoula and surrounding area.
- Skill in managing the day-to-day operations of a municipal police department, including patrol, investigation, crime prevention, training, communications, records, budgeting, and administrative functions.
- Skill in understanding and interpreting complex statutes, ordinances, regulations, standards, and guidelines.
- Skill in directing and supervising command, operations, and support staff.
- Skill in identifying employee training needs and developing programs and training to improve performance.
- Skill in evaluating operations and programs to determine if they meet community needs.
- Skill in negotiating and communicating, in person and in writing.
- Skill in preparing reports documenting the facts and actions regarding criminal and civil law enforcement incidents.
- Skill in conducting investigations of criminal activities.
- Skill in establishing and maintaining effective working relationships with elected officials, City employees, other law enforcement agencies, criminal justice system staff, the business community, and citizens.

**Qualifications:**

Bachelor's degree in public administration, police science or related field and eight years full-time professional law enforcement work, at least five years of which include

responsibility as a command level supervisor/administrator or higher level managerial experience OR ten years full-time professional law enforcement work, at least five years of which include responsibility as a command level supervisor/administrator or higher level managerial experience. Certified peace officer.

**CLASS TITLE:**                    **CIVILIAN CRASH INVESTIGATOR**

**ACCOUNTABLE TO:**            Traffic Unit Sergeant or Shift Commander

**STATUS:**                         Regular, full-time, **non-union, non sworn position**

**Primary Objectives of Position:** Under general supervision, investigates traffic crashes, prepares crash reports, and enforces vehicle and parking ordinances.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills, and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Duties require the ability to access crash sites where hazards can be unavoidable, and to work under adverse weather conditions that are uncontrollable.

**Tasks:**

- Responds to traffic crashes in assigned vehicle; safeguards the scene, protects the injured and others from injury.
- Investigates causes of crashes by interviewing involved parties and witnesses; records information on vehicles, drivers, passengers and pedestrians involved; measures stopping distances, calculates speeds, and makes diagrams of the crash scene.
- Collects physical evidence and determines if violations of code or statute occurred, and issues citations.
- Writes reports of crashes and enters them in computer, and prepares reports for transmittal to state agencies.
- Meets with City and County Attorney's Office to assist in prosecutions and preparations for trial. Testifies in criminal and civil trials, as needed.
- Meets with opposing counsel and conveys relevant information.
- Makes requests for traffic control evaluations of problem intersections and areas.
- May train probationary police officers in crash investigation methods and techniques.
- Some positions perform reconstruction of crashes and crash scenes.
- Investigates hit and run incidents.
- Identifies vehicle registration violations, vehicle and bicycle safety violations, parking violations and issues parking and traffic citations.
- Notifies the Street and Traffic Divisions of unsafe conditions, such as missing traffic signs, inoperable traffic signals, and icy intersections.
- Directs traffic in emergencies or for special events as assigned.
- Performs vehicle identification checks and verifications.
- Reviews Abandoned Vehicle log on computer and tags abandoned vehicles as

- necessary by ordinance.
- Completes abandoned vehicle process by filing appropriate documentation for identifying the vehicle for towing or that it is no longer in violation of ordinance.
  - Logs pertinent information in Abandoned Vehicle log.

**Knowledge, Skills, and Other Characteristics:**

- Knowledge of the Missoula Municipal Code and Montana state laws and regulations pertaining to traffic and parking.
- Knowledge of the policies, goals, and procedures of the Missoula Police Department.
- Knowledge of the street names and locations in the City of Missoula and surrounding area.
- Skill in understanding and interpreting complex regulations and guidelines.
- Skill in communicating, in person and in writing.
- Skill in preparing reports documenting the facts and actions regarding traffic crashes.
- Skill in investigating traffic crashes and determining their causes.
- Skill in identifying parking violations.
- Skill in establishing and maintaining effective working relationships with City employees, and citizens.

**Qualifications:**

- High school education or equivalent and valid Montana driver's license.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>MISSION AND VALUES STATEMENT</b>		
<i>Effective Date:</i> <b>12/01/2007</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>2</b>	<i>Policy #</i> <b>2.10</b>	<i>Distribution:</i>
<i>References:</i> <i>Vision Statement, Officer's Canon of Ethics, Operational Unit Goals, Job Descriptions</i>		

### MISSION STATEMENT

We are a community oriented agency committed to delivering professional police service to Missoula. We strive to improve the quality of life of our citizens and the livability of our community.

### OUR VALUES

- Our customers are the community, department personnel, other City agencies and other Criminal Justice Agencies.
- We are accountable for our individual and organizational performance.
- The organization is quality driven.
- We depend on the community's confidence and trust and every contact should endeavor to enhance that relationship.
- We embrace diversity and the dignity of each person.
- We respect and protect human rights.
- We have a positive attitude and will look to accomplishments rather than obstacles.



## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>ORGANIZATION VISION</b>		
<i>Effective Date:</i> <b>12/01/2007</b>	<i>Original Date:</i> <b>12/01/2007</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>2</b>	<i>Policy #</i> <b>2.20</b>	<i>Distribution:</i>
<i>References:</i> <i>Mission and Values Statement, Officer's Canon of Ethics, Operational Unit Goals, Job Descriptions</i>		

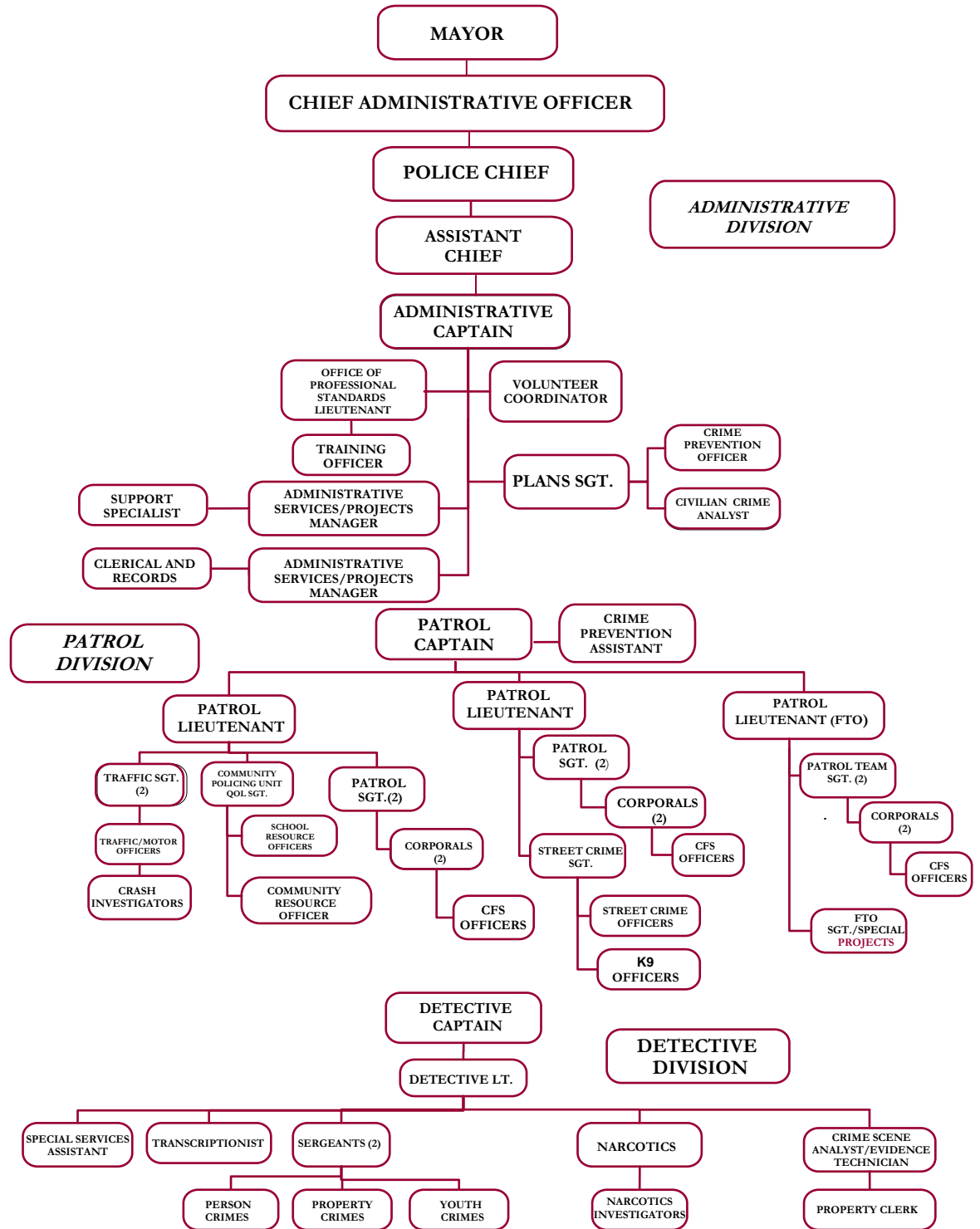
### **ORGANIZATION VISION**

**“Members of the Missoula Police Department are committed in preserving a high quality of life and feeling of safety for the City’s diverse population. The Department balances quick responses to all crimes with community problem solving and crime prevention approaches. We will interact with the public as our partners and as customers worthy of our best service. We will constantly evaluate and improve our efforts to enhance public safety with the goal of improving the quality of life while at the same time maintaining respect for individual rights and human dignity.”**

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>ORGANIZATIONAL CHART</b>		
<b>Effective Date:</b> <b>07/01/2008</b>	<b>Original Date:</b> <b>07/01/2007</b>	<b>Next Review:</b> <b>07/01/2009</b>
<b>Chapter</b> <b>2</b>	<b>Policy #</b> <b>2.30</b>	<b>Distribution:</b>
<b>References:</b> <i>Operational Unit Goals, Job Descriptions</i>		



## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>OPERATIONAL UNIT GOALS AND BUDGET SUMMARY</b>		
<i>Effective Date:</i> <b>7/1/2008</b>	<i>Original Date:</i> <b>07/01/2007</b>	<i>Next Review:</i> <b>7/1/2009</b>
<i>Chapter</i> <b>2</b>	<i>Policy #</i> <b>2.40</b>	<i>Distribution:</i>
<i>References:</i> <i>Operational Unit Goals, Job Descriptions</i>		

### Administrative Division

**The Office of the Chief, Office of Professional Standards, Plans Unit, Communications Desk, Records Section, Volunteer Program and Special Teams make up the Administrative Division.**

- Manage the Police Department in a manner that recognizes the dignity of all persons and accepts the responsibility to help those who cannot help themselves.
- Prepare and oversee the Department's budget.
- Evaluate community priorities relating to crime, disorder and quality of life.
- Promote problem-oriented policing in daily activities and develop changing objectives to address criminal activities and Quality of Life issues across the community.
- Establish policies for the Department which reinforces the provision of professional police services to the community.
- Recruit, hire and train quality personnel through the Office of Professional Standards.
- Monitor employee performance and professionalism, including investigations of complaints and misconduct.
- Develop programs and processes for career development and promotion of effective leadership.
- Provide initial reporting capability in person or by phone through Police Support Specialists.
- Maintain CJIN/NCIC terminal and backup communications center in event of 9-1-1 failure.
- Collect, validate, disseminate and retain criminal justice information and police reports according to retention schedules, federal / state statutes and Constitutions.
- Submit Uniform Crime Report information for State and National databases.

- Compile statistics of crime activity for analysis and planning of intervention strategies.
- Coordinate pro-active crime prevention services and activities in the community.
- Manage selection, training, budgets and deployment strategies of Department's four crisis response teams.
- Recruit and manage a Citizen Volunteer program to assist in delivery of services to the community.

### **Detective Division**

#### **The Detective Captain oversees criminal investigative personnel in General Investigations, Drug Enforcement and Evidence and ID Unit.**

- Screen and assign cases for follow-up investigation.
- Pursue justice on behalf of victims of crimes against persons and crimes against property.
- Refer cases to the City, County and U.S. Attorneys for prosecution.
- Maintain an offender based investigative program including domestic violence, sexual offenders and violent offenders.
- Focus resources on youth violence and the Youth Justice system.
- Participate in community based partnerships to address problems, control criminals and help victims.
- Disrupt the supply and demand of illicit drugs through enforcement and education of the community.
- Work cooperatively with partner agencies in the investigation and enforcement of illegal narcotics laws.
- Assist other divisions with developing responses to emerging crime trends.
- Develop technology resources and cyber crimes investigations abilities.
- Collect, maintain or dispose of evidence and property according to accepted protocols.
- Process crime scenes to locate and collect evidentiary materials, as requested.
- Process physical evidence, including: fingerprints, tool marks, fibers and trace evidence.
- Maintain digital image evidence and prepare visual aids for court or department presentations.

- Perform fingerprinting services and submit fingerprint cards to state and federal agencies, as required.
- Perform handwriting analysis and comparisons.
- Submit items of evidence to Montana State Crime Laboratory for detailed examination.

### **Uniform Patrol Division**

**Under direction of the Uniform Patrol Captain, the Patrol Division provides the Departments' highly visible and pro-active patrol presence and responses to Calls-for-Service, both emergency and routine. The Division has three patrol teams providing round the clock service and several specialized units to address problem patterns as they are identified.**

- Maintain basic order in the community, enforcing all laws competently and fairly.
- Participate in intelligence gathering and information sharing within the department.
- Provide the training environment for training of new officers in the field.
- Utilize Community Policing techniques to develop partnerships for problem solving.
- Maintain a Quality of Life (QOL) program with School and Community Resource Officers.
- Provide highly visible patrol of community, including city's open spaces, parks and trail system.
- Provide directed and proactive traffic patrols to help reduce crime and improve road safety.
- Assist other divisions through deployment of resources to address identified problems and events.
- Investigate vehicle crashes and implement plans to reduce crash volume and severity.
- Develop and maintain program to address Abandoned Vehicle removal within city limits.

## FINANCIAL SUMMARY

Budget by Object of Expenditure Category	Actual FY 2007	Amended FY 2008	Actual FY 2008	Adopted FY 2009	Increase * (Decrease)	Percent Change
Personal Services	\$ 9,358,180	\$ 10,289,917	\$ 10,420,212	\$ 10,301,163	\$ 11,246	0%
Supplies	317,472	284,316	332,721	371,479	87,163	31%
Purchased Services	229,977	238,245	219,721	261,236	22,991	10%
Miscellaneous	14,825	29,650	14,962	26,079	(3,571)	-12%
Debt Service		-		-	-	
Capital Outlay	221,948	279,500	286,594	-	(279,500)	-100%
<b>Total</b>	<b>\$ 10,142,402</b>	<b>\$ 11,121,628</b>	<b>\$ 11,274,210</b>	<b>\$ 10,959,957</b>	<b>\$ (161,671)</b>	<b>-1%</b>

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>DEPARTMENT RULES AND REGULATIONS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>01/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.10</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

Management provides rules to provide consistent and clear directives of expected performance of specific tasks, responsibilities, duties or assignments to all members.

## II. Policy

It is the policy of the Missoula Police Department that Rules are statements that specify what will or will not be done by its' members. Rules are firm principles leaving little or no discretion and cannot be violated.

Wherever a member encounters a posted rule(s), *i.e. firing ranges*, those rules must be adhered to and carry the same significance as a rule contained in this policy.

Violation of a rule may subject a member to disciplinary action, up to and including termination, depending on the significance or severity of violation.

## III. Rules and Regulations

Rules and Regulation are presented in alphabetical order, not order of importance.

**Address and Phone Changes:** Employees shall report any change of their telephone number and/or address to the Office Manager as soon as possible and in no event later than three (3) days after the change becomes effective.

**Administrative Temporary Assignments or Leave:** Employees placed on Administrative leave or assignment shall report to the Administrative Captain. Employee will maintain contact with the department as directed at the time they begin said assignment.

**Bail Posting:** To comply with Section 36-9-402 MCA, no member of the Police Department is to post bail, act as surety, or accept custody of any person under arrest.

**Calls, Follow-up of:** Officers should make an attempt to contact the complainant after responding to a call.

**Complaints of Civilian Personnel:** Civilian employees who have a complaint must follow the Chain of Command, unless the matter pertains to their immediate supervisor.

**Complaints of Officers:** Officers who have a complaint must follow the chain of command, unless the matter pertains to their immediate supervisor.

**Code of Ethics:** All officers are sworn officers of the Missoula Police Department. When hired, they are required to sign the Code of Ethics. A violation of the Code of Ethics is grounds for dismissal.

**Conduct requiring Notice to Administration:** Members shall notify a supervisor when cited or arrested for a criminal offense, drug or alcohol-related charge, or if their driver's license is suspended.

**Endorsement or Referral:** Personnel will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as attorney, ambulance service, towing service, bondsman, mortician, etc. ). In the case of ambulance, request through 9-1-1. For towing service when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, a member will proceed in accordance with established Department procedures.

**Equipment Abuse:** Abuse of equipment (including telephones, computers, typewriters, radar guns, vehicles, etc.) can be cause for discipline or restitution for the damage to the equipment or both.

**Hours of Work – Desk Personnel:** Desk Persons are not to leave their post at the end of the shift until relieved by the oncoming Desk Person or an officer. Desk Persons should pass on any information that the next Desk Person should be made aware of. **Hold-over or call-in overtime will not result in a desk person working more than twelve (12) hours. All overtime must have prior approval by the shift supervisor.**

**Hours of Work – Officers:** Officers are required to be in the station at the time their shift is to start. If officers are assigned to a special duty, officers shall be at the location at the assigned time. Officers will remain on duty until the end of their scheduled shift. That is, for example, officers whose shift ends at 1700 will remain on duty and available for calls to allow the oncoming team to complete their half-hour briefing. **Hold-over or call-in overtime will not result in an officer working more than fifteen (15) hours. All overtime must have prior approval by the immediate supervisor.**

**Identification:** An officer will carry a proper identification card at all times. Members will furnish name and identification to any person requesting that information when he is on duty or while holding himself out as having official capacity, except when the withholding of such information is necessary for the



performance of police duties or is authorized by the Chief of Police. Civilian personnel are required, upon request, to give name.

**Injury on Duty:** Any member of the Department sustaining an injury in the course of or arising out of their employment with the City of Missoula shall immediately report such injury to their supervisor. All Workers' Compensation forms shall be completed according to policy.

**Insubordination:** A member will be considered insubordinate when he fails or deliberately refuses to obey a lawful order issued by a supervisor. This will include an order relayed from a superior officer by a member of the same or lesser rank.

**Manpower – Minimum Level:** The Shift Commander on each team shall determine the number of officers on his shift at any one time. Five (5) officers on the street shall be considered minimum safe manpower level for each team. To be included in the minimum, an officer must be a graduate of the MLEA Basic Course and successfully completed FTO program.

**Neglect of Duty:** Personnel will not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They will not engage in any activity or personal business which would cause them to neglect or be inattentive to duty.

**Notification of On-Call Staff Person:** The Shift Commander or his designee shall make timely notification to the Chief of Police or his On-Call Staff member of significant police matters occurring on nights and weekends, including but not limited to: incidents involving death or serious bodily injury to anyone, incidents receiving media or political attention, any significant use of force, officer injuries, police vehicle crashes, incidents requiring additional resources such as call-outs of detectives or special teams, etc.

**Officers on Call:** All officers are police officers twenty-four (24) hours a day and may be called to duty if an emergency should arise.

**Outside Activity:** Members of the Department shall not engage in any outside activity that is in any way related to or influenced by their connection with the Police Department without the consent of the Chief of Police. An officer must not allow other activities to interfere with the performance of his duties as a police officer.

**Physical Condition of Officers:** All officers should consider their health, and keep their bodies physically fit.

**Radios:** All officers and Civilian Traffic Specialists of the Missoula Police Department are issued a portable radio.

All Uniform Patrol Division Officers and Civilian Traffic Specialists will carry their radio on their person (belt holders are provided) at all times while on duty.

Uniform Patrol Division Officers and Civilian Traffic Specialists will be accessible via radio at all times unless safety factors dictate a radio off and/or volume down condition.

**Records:** Only authorized civilian employees and officers are allowed in Department record files. Any reports or arrest cards that officers take from the files must be photocopied, the originals are not to leave the Records Area. All reports taken from files will be returned to the Records Clerk for re-filing. When no clerical staff is on duty, the Records Room door will remain locked.

**Residency Requirements:** Police Officers may live up to a thirty (30) minute average travel time from the City limits, pursuant to City Ordinance No. 2.80.030. The distance and travel time from the City limits will be verified by the Chief of Police; and a letter of verification will be submitted to the Officer's file by the Chief of Police.

**Sick Leave:** No abuse of sick leave will be tolerated. Sick leave may only be used in compliance with conditions of the bargaining agreement and City of Missoula personnel policy.

**Statistical and/or Pictorial Information Release:** The authority to release to the media or public statistical data compiled or related to this Department or its operations is vested in the Chief of Police. No member shall release information of a statistical nature unless it has first been approved by the Chief of Police or his designee.

**Telephone Use:** All Department personnel will identify themselves when answering Police Department lines.

All department telephone equipment including VOIP, cellular phones or faxes are intended for business use. No member shall incur long distance or other charges to the City for personal phone use without explicit permission and will be subject to reimbursement of those charges.

**Timesheets:** Timesheets are to be completed each week to accurately reflect hours worked and other lost time such as T/C, vacation or sick leave. A members' signature on the timesheet is required to authenticate reported hours.

**Trials:** All members of the Department shall attend Court trials as scheduled.

**Weapons:** All officers must ensure all assigned weapons are secured at all times, including off duty.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>CITY ADMINISTRATIVE RULES</b>		
<i>Effective Date:</i> <b>01/01/2008</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>01/01/2010</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.20</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose:

The purpose of this policy is to serve as a reminder to all members that the City of Missoula maintains Administrative Rules that are applicable to all City Employees.

## II. Policy:

All members of the Missoula Police Department are expected to comply with City of Missoula Administrative Rules.

It is not the intent of the Missoula Police Department to create department policies that are less restrictive than any City of Missoula Administrative Rule.

Conflicts between Department Policy, City Administrative Rules or the Collective Bargaining Agreement with the Missoula Police Protective Association should be brought to the attention of the Assistant Chief of Police.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>DISCRIMINATION AND SEXUAL HARASSMENT</b>		
<i>Effective Date:</i> <b>12/01/2007</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>01/01/2010</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.30</b>	<i>Distribution:</i>
<i>References:</i>		

### DISCRIMINATION

Employees have the right to work in an environment free from discrimination. For the purpose of this Rule and Regulation, discrimination means different or unequal treatment on the basis of race, creed, color, national origin, sex, age or the presence of any sensory, mental or physical handicap.

It is the responsibility of all employees of the Department to aid in providing a work environment free of discriminatory harassment, intimidation or coercion.

Supervisors observing or having knowledge of incidents or practices within their work unit which are harassment as defined by this policy, shall take immediate corrective action, document, and report the incident to the Chief of Police.

No employee shall be retaliated against for complaining of discriminatory harassment.

### SEXUAL HARASSMENT POLICY

It is essential the Department maintain a health working environment which will provide all employees the opportunity to perform their duties to their fullest potential. The working environment must be free of sexual harassment to ensure fair and courteous treatment of all employees. Sexual harassment is a violation of Federal and State law and of City and Department policy. It exposes the City, the Police Department, and the offending employee to serious liability and can lower morale, undermine the integrity of employee relationships, and interfere with the efficiency of Department operations. Sexual harassment is viewed by the Department as serious misconduct which can result in the offending employee being subject to disciplinary action up to, and including, termination. The Department will not tolerate sexual harassment.

#### **Employee Responsibility:**

All employees are responsible for avoiding situations which involve actual or apparent sexual harassment. When employees observe behavior they believe to be sexual harassment they should confront the offender directly and make it clear the

offender's behavior is unacceptable and the behavior must stop. Employees who become aware of conduct they believe to be sexual harassment, whether or not the conduct is directed at them, witnessed by them, or related to them by another employee, shall report the incident to a supervisor immediately. Employees who do not receive a satisfactory response to their complaint shall contact the next level of supervisor, the Chief of Police, or the Personnel Office.

**Supervisory Responsibility:**

Supervisory employees shall ensure that each workplace has a working atmosphere free from sexual harassment for all employees. The working environment shall be businesslike, assuring fair and courteous treatment for all employees and the public they serve. Supervisors shall take prompt and appropriate action whenever they observe or are made aware of any action or conduct that may be interpreted as sexual harassment.

**Command Responsibility:**

Division Captains are responsible for ensuring that their divisions are free of sexual harassment by providing appropriate training and inspection which ensures the existence of a working environment free of sexual harassment.

Division Captains shall ensure that supervisors assigned to their command strictly enforce the policy of this Department against sexual harassment promptly and appropriately.

The Administrative Captain will maintain the responsibility for a sexual free work environment in the Administrative Division of the Department.

**Counseling:**

During the annual performance appraisal of each employee, as required by the City Policy Manual and collective bargaining agreement, each Department employee will be counseled regarding if they have been victim of, witnessed to, or know of any situations of sexual harassment

**OTHER FORMS OF DISCRIMINATORY HARASSMENT:** May include discrimination because of race, creed, color, national origin, age, or the presence of any sensory, mental or physical handicap.

**COMPLAINT PROCEDURE:** Employees who consider themselves victims of discriminatory harassment shall immediately either:

- a) Inform the person who is harassing to stop, that the behavior is unwanted; and inform their supervisors of the incident, or;
- b) Contact their supervisor.

**REPORTING AND INVESTIGATION OF COMPLAINTS:** When supervisors are notified of alleged harassment, they shall immediately:

- a) Document and report the incident to the Chief of Police through the Chain of Command;
- b) Investigate the complaint; (NOTE: All employees involved in or having knowledge of discriminatory harassment complaint or investigation shall strive to maintain confidentiality.)
- c) Take appropriate corrective action.



## MISSOULA POLICE DEPARTMENT POLICY MANUAL

<i>Subject:</i> <b>INQUIRIES AND COMPLAINTS AGAINST EMPLOYEES</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>11/02/2001</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.40</b>	<i>Distribution:</i>
<i>References:</i> <i>Citizen Complaint Procedure &amp; Form; Internal Investigations; Office of Professional Standards; City of Missoula Personnel Policy Manual;</i>		

### I. PURPOSE:

The purpose of this policy is to provide a means to efficiently receive and document all inquiries and complaints directed towards individual (officers and civilian) employees and the organization as an entity. The purpose of this section is to

- Answer all inquiries,
- Resolve all complaints,
- Establish a fair and consistent method for handling complaints, and
- Maintain proper records of complaints.

We formally handle inquiries and investigate complaints for these reasons:

- To protect citizens from actual misconduct by a Missoula Police Department employee;
- To protect the department and those employees who conduct themselves appropriately;
- To identify policies and procedures that may need review or change, and to find ways to improve the quality of service to the community.

### II. POLICY

The Missoula Police Department takes citizens' concerns seriously. We believe the public is entitled to efficient, fair and impartial service. We investigate all allegations of employee misconduct, respond to all inquiries about employee actions or department policy and document all commendations received from the public.

### III. PROCEDURES:

These procedures outline the manner in which inquiries and complaints against department personnel by anyone outside the department will be handled in their entirety. Inquiries range from questioning a procedure to minor dissatisfaction with personnel conduct. Complaints range from dissatisfaction with personnel conduct, policies or procedures to criminal misconduct of personnel. These procedures are applicable to all employees of the Missoula Police Department.

**A. INQUIRY GUIDELINES:**

1. All persons contacting the department for the purpose of inquiries will be treated with courtesy and respect.
2. Inquiries can be handled by department personnel at any level but should be referred to the Shift Commander if unable to answer the inquiry to the satisfaction of the inquiring party.
3. If an inquiry is answered to the satisfaction of the inquiring party, the matter shall be considered closed.
4. If a Shift Commander is unable to satisfy the inquiring party, the matter shall be deemed a complaint and complaint procedures should be instituted.

**B. COMPLAINT GUIDELINES:**

1. All persons making complaints against a member of the Missoula Police Department shall be treated with courtesy and respect.
2. Preferably, all complaints will be received in writing, upon a form provided by the Police Department for consistency and accountability. This form will be distributed and explained to the complaining party by the on-duty Shift Commander or civilian supervisor, if applicable.
3. All complaints are **confidential**. Supervisory and non-supervisory personnel who receive complaints against personnel will treat the information with the utmost confidentiality.
4. Personnel who are subjects of complaints, no matter how minor, will be advised as soon as possible of the nature of the complaint and what steps are being (were) taken toward resolution and the conclusion.
5. Complaints received by the Shift Commander or appropriate supervisor will be handled as follows:
  - a. Advise complaining party of the need to submit their complaint on the department complaint form and that a rated officer will be re-contacting them as part of our follow-up procedure.
  - b. If the receiving officer is a non-rated officer, he/she will pass on the written complaint information to the next rated officer.
  - c. Rated officers receiving written complaints will immediately notify the department Staff members.



- d. Only a rated officer will advise the officer of the complaint against him/her.
6. Upon resolution of each complaint, the investigating supervisor will draft a letter of notification to the complainant, advising the finding of the complaint. No mention shall be made to the specific discipline imposed (if any) due to employee confidentiality requirements. The letter shall mention the automatic review of the finding by the Police Commission on behalf of the Mayor.
7. Persons who wish to file their complaint outside the Police Department should be referred to the Mayor's Office.
8. Referrals to the Mayor's Office will be made only when the complaining party requests an alternate avenue, not as a matter of course.
9. The Missoula Police Commission, on behalf of the Mayor, will review all complaints and their resolutions quarterly in accordance with the Complaint Review Policy.

#### **MINOR COMPLAINTS:**

Any complaint will be investigated by a rated officer or the appropriate civilian supervisor. If the first or second level supervisor (Sgt. or Lt.) can resolve the complaint to the satisfaction of the complaining party, the matter doesn't need any further investigation.

Summary of complaint and manner of resolution will be completed on the complaint form and forwarded to the Assistant Chief within fourteen (14) days. Permission must be sought from the Chief or Assistant Chief to extend that time limit.

If the rated supervisor cannot resolve the complaint to the satisfaction of the complaining party, confer with Division Captain for guidance and assistance.

#### **MAJOR COMPLAINTS:**

Any complaint with possibility of punitive action more extreme than a counseling session will be investigated by a rated officer who shall confer with the Division Captain before proceeding further to ensure that all actions taken are in accordance with City of Missoula and Department Policies and collective bargaining agreements.

#### **CRIMINAL COMPLAINTS:**

If the Receiving Officer has reason to believe any complaint deals with possible criminal activity, the information will be passed through the chain of Command to the Division Captain as soon as possible. Criminal allegations may be investigated by an outside agency.

## **INQUIRIES AND COMPLAINTS RECEIVED BY STAFF OFFICERS:**

Many people request an audience with the Chief (in his absence, the next highest rank); as a result many complaints are received by a Staff level officer. When that happens, they will:

Attempt to immediately answer any inquiries. If a complaint can't be resolved immediately, the complaint process will be implemented in the same manner as above and assigned to a Lieutenant for investigation.

★ Staff Officers will adhere to the chain of command in contacting subordinate officers regarding complaints.

## **RESOLUTION**

All complaints will be resolved in one of following ways:

**EXONERATED** - The acts that formed the basis for the complaint or allegation did occur, but were justified, lawful, and proper according to departmental policy or standard operating procedures.

**NOT SUSTAINED** - The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made.

**SUSTAINED** - The investigation disclosed a preponderance of evidence to prove the allegation(s) made.

**UNFOUNDED** - The investigation conclusively proved that the act or acts complained of did not occur. This finding also applies when individual officer(s) or employee(s) named were not involved in the act or in acts which may have occurred, or when the acts were committed or possibly committed by persons other than Missoula Police officers or employees.

**NO FINDING** - The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation; or the complainant wishes to withdraw the complaint; or the complainant is no longer available for clarification. This finding may also be used when the information provided is not sufficient to determine the identity of the officer(s) or employee(s) involved.

**INQUIRY** - If during the investigation, it is determined that a citizen is merely requesting clarification of a policy or procedure, that complaint, with the concurrence of the investigating supervisor's commanding officer, may be considered an Inquiry.

## **FORMAT**

The Missoula Police Department Complaint form will be used for all documentation of complaint intake and resolutions. The Department MEMO form will be used to document the investigation. Department letterhead shall be used to draft the final letter to the complainant.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>POLICE COMMISSION REVIEW OF COMPLIMENTS AND COMPLAINTS</b>		
<i>Effective Date:</i> <b>05/23/2005</b>	<i>Original Date:</i> <b>03/28/2002</b>	<i>Next Review:</i> <b>01/01/2010</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.50</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

To establish guidelines for the routine review by the Mayors' office of all compliments and complaints directed toward Missoula Police Department employees.

## II. Policy

Whereas the Missoula Police Department is considered a small department, complaints are received and investigated by department personnel who could be accused or suspected of bias. At the mayors' request, in order to provide an independent review of complaints, encompassing intake procedures, inquiry methods and disposition, the members of the Missoula Police Commission will review all completed complaints on a quarterly basis. Likewise, the Missoula Police Commission will review all compliments received during the quarter.

## III. Procedure

All complaints which were resolved in the preceding quarter will be provided to the Police Commissioners at the end of each quarter.

- Complaints will include any and all documentation of the complaint, investigation and resolution, including witness statements, statements made by the employee, and disciplinary action taken (if necessary).

The Police Commission will review all complaints in a timely manner and forward a summary of their determination on each complaint to the Chief of Police.

- The Police Commission's summary of each complaint will be attached to the original copy of the complaint.

A complaint review will include, but is not limited to:

- A summary conclusion by the Commission
- Was the inquiry handled in a timely and effective manner?

- Did the investigation balance the rights of employees and citizens and serve to benefit the employee, the department and the citizen?
- If disciplinary action was taken, was it appropriate?
- Any further recommendations the Commission can offer to ensure that all complaints are handled equitably, in a timely manner and serve the interest of the department, employee and citizen.

Whereas no action is required on the part of the Missoula Police Commission when dealing with compliments, the Commission is encouraged to recommend "employee recognition" for exemplary service if the Department has not already taken some action of recognition. Such recommendations would be made to the Chief.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>COMPLIMENTS</b>		
<i>Effective Date:</i> <b>05/23/2005</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>01/01/2010</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.60</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to provide a means to efficiently receive and document all compliments directed towards individual (officers and civilian) employees and the organization as an entity.

## II. Policy

The Missoula Police Department values citizen's feedback. The Missoula Police Department receives many compliments. Compliments are directed towards individual employees and the organization. This policy will detail how compliments will be received, documented, filed and used to demonstrate the professionalism of the individuals and organization.

## III. Procedures

### A. Receipt of Compliments

Compliments on individual or organizational performance are made known to the MPD in many ways. Through written communication, phone conversations, or personal contact; members of the community, other City Departments, and other law enforcement agencies acknowledge the positive work of Department employees. When a compliment is received by someone other than the Chief or a Division Captain, the receiver of the compliment will, in writing, summarize the compliment and forward it to their respective Division Captain.

Individual employees who are the subject of a compliment will be notified of the compliment. If the compliment was received in writing, the employee will be given a copy of the compliment. If the compliment was received verbally, the compliment will be summarized in writing and a copy provided to the employee. As in receipt of compliments, the dissemination of the compliments will follow the chain of command.

### B. Format

The standard Department MEMO will be used to summarize compliments.

### **C. Filing of Compliments**

Original copies of all written compliments and summations of compliments received verbally will be forwarded to the respective employee's personnel file. The Department will also maintain a Compliment File assembled quarterly. The Missoula Police Commission will review the compliments received quarterly with the Commission's quarterly review of complaints. (See separate policy, titled: POLICE COMMISSION REVIEW OF COMPLIMENTS AND COMPLAINTS).

It is the responsibility of all Missoula Police Department employees, particularly Supervisors and Command Officers, to ensure compliments are properly documented, disseminated and filed.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>INTERNAL INVESTIGATIONS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>NEW</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.80</b>	<i>Distribution:</i>
<i>References:</i> <i>Inquiry/Complaint Policy; Police Commission Review Policy; Officers Bill of Right; Collective Bargaining agreement</i>		

## I. Purpose

Internal Investigations are an integral part of maintaining public trust while protecting employee rights. The Police Department has a duty to investigate all complaints, inquiries and major incidents for the presence of misconduct, criminal activity, inadequate training or policies and any other issues within the control of the department or its employees. This policy will outline the internal investigation process.

## II. Policy

The goal of each internal investigation is to uncover the truth. The process will be fair and consistent protecting the community interest, the department and city interest as well as the employee rights on equal levels. Internal Investigations are likely to contain personnel information which is confidential. Even with that in mind some Internal Investigations may be released to the public (i.e., media, attorneys etc.) and should be prepared as such. The final outcome of each investigation will be forwarded to the appropriate level to ensure the adjudicated deficiencies can be appropriately addressed.

## III. Procedures

An Internal Investigation can be initiated for any reason but has to be initiated by the Chief of Police or his designee. Some common examples would be, Use of Force Cases, Gross Misconduct by an Officer, Criminal activity by an Officer or family member, or any major complaint investigation as defined by the Complaint Policy.

- a. An Internal Investigation will be investigated by a Lieutenant or higher.
- b. The Professional Standards Lieutenant will handle most Internal Investigations unless unavailable.
- c. All Internal Investigations will be conducted in accordance with the Officer's Bill of Rights found in the Collective Bargaining Agreement

### **STEPS (common steps but not limited to)**

1. Notify the employee(s) of the investigation
2. Gather all reports/documents about the incident

3. Gather all radio logs or recordings of the incident or arrange for their retention during this process
4. Conduct thorough investigation
5. Keep Assistant Chief apprised of status of investigation and findings
6. Conduct Interviews with involved witnesses and employees
  - a. All interviews of involved persons should be recorded
  - b. All employee interviews will be recorded
  - c. All employees should be read and should sign the Employee Administrative Interview form
7. Prepare Final report with Findings and deliver to Assistant Chief
8. Upon determination of appropriate finding, proper administrative action will be initiated by the Chief of Police or his designee.
9. In the case of a complaint the Findings will then be reviewed by the Police Commission

**\*\*NOTE (In the case of a criminal investigation of an officer it is likely that there will be parallel criminal and internal investigations. The parallel investigation may even be conducted by an outside agency. The internal investigation and criminal investigation need to be cooperative but also separate. Determination of criminal charges will be handled by the Missoula County Attorney or the Montana U.S. Attorney's Office.)**

All finalized Internal Investigations and Complaint/Inquiries will be filed and maintained in the Professional Standards Office.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>RACIAL PROFILING AND DATA COLLECTION</b>		
<i>Effective Date:</i> <b>07/01/2007</b>	<i>Original Date:</i> <b>06/01/2003</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>3</b>	<i>Policy #</i> <b>3.90</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to clearly state the formal position of the Missoula Police Department as it relates to racial profiling as required by Montana State Law under MCA 44-2-117.

## II. Policy

It is the Policy of the Missoula Police Department that the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other crimes is prohibited.

Police Officers shall not use race, ethnicity or national origin as the sole factor in determining the existence of probable cause to take into custody or arrest an individual; or in constituting a particularized suspicion that an offense has been or is being committed in order to justify the detention of an individual or the investigatory stop of a motor vehicle.

All stops are to be lawfully executed according to MCA 46-5-401 and will be duly documented according to any associated department standard procedures.

All traffic stops shall include the collection of data pertaining to the violator's race or ethnicity as perceived by the officer.

## III. Definitions

*Racial Profiling:* The detention, official restraint, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of the individual.

*Police Officer:* As provided by the definition of "peace officer" in MCA 46-1-202.

*Minority Group:* As provided in 44-2-117, MCA; means individuals of African American, Hispanic, Native American, Asian, or Middle Eastern descent.

#### **IV. Procedure**

##### **A. Training**

1. Officers will receive Cultural Awareness and Racial Profiling training which will emphasize the legal basis for stops and the protections afforded to all citizens. This training must be certified by the Montana P.O.S.T. council.

##### **B. Complaints of Racial Profiling**

1. Citizen complaints alleging violations of this policy shall be taken in writing whenever possible using the department's citizen complaint policy and procedures. The following steps shall be included in the handling of written complaints alleging racial profiling:
  - (a) All written complaints will be promptly reviewed by the Assistant Chief of Police or his designee;
  - (b) That reviewer shall, within 10 days of receipt of a written complaint, acknowledge receipt of the complaint in writing; and
  - (c) After the review is completed, the reviewer shall, in writing, inform the person who submitted the complaint and the Chief of Police of the results of the review.
2. If an investigation of a complaint of racial profiling reveals an officer was in direct violation of this policy, the department shall take appropriate action against the officer consistent with applicable laws, labor rules, ordinances and discipline policies.

#### **V. Supervision**

- A. Supervisors shall familiarize themselves with this policy and shall take appropriate steps whenever it appears that it is being violated.
- B. Supervisors shall be particularly alert to any indication of discriminatory treatment of any segment of the public by individual officers or squads.
- C. The Missoula Police Department will utilize pro-active methods to ensure that officers are conducting investigations and traffic stops in a safe, legal, and non-biased manner.

The methods that will be employed include, but are not limited to:

1. Field Training Program
2. Classroom training
3. Report review
4. Citizen complaint process
5. Performance evaluations
6. Collection, review and analysis of minority group data
7. Internal investigations

D. Any violation of this policy will be referred to the Office of Professional Standards for follow-up investigation.

E. Officers found through supervisory review of data to have engaged in race-based traffic stops may be provided counseling or training within 90 days of the review.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>UNIFORM AND APPEARANCE POLICY</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>07/01/2007</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>4</b>	<i>Policy #</i> <b>4.10</b>	<i>Distribution:</i>
<i>References:</i> <i>Approved Uniform/Equipment List</i> <i>Firearms Policy</i> <i>Light-Duty Policy</i>		

## I. Purpose

The purpose of this policy is to establish appropriate, professional appearance and dress standards for all members of the Missoula Police Department. The well-groomed, businesslike appearance of Department members, aids significantly in establishing the professional image, atmosphere and attitude expected by the public, but also serves to insure officer's safety.

## II. Policy

- The Missoula Police Department, individually and collectively, will exhibit professionalism, discipline and efficiency through its uniforms, uniform accessories, the manner in which these items are worn, and personal grooming.
- Uniforms and accessories are issued to the individual officers who are entrusted with their proper care, maintenance and use.
- Every sworn officer shall maintain a Class “A” dress uniform and duty uniform in addition to any specialty uniform, which is required to perform their assigned duties.
- Uniforms and uniform accessories will fit properly. Clothing will be cleaned, neatly pressed, and free from rips, tears, holes, frayed edges, missing buttons and faded colors. A highly polished luster will be maintained for all leather items, metal buckles and snaps. Any and all items are subject to inspection at any time.
- The policy, rules and regulations listed are comprehensive, but not inclusive. If an item is not mentioned, if permitted, will be maintained and worn with the intent and spirit demanded by professional appearance.
- Exceptions to uniform requirements contained in this policy will be authorized by the Chief of Police or his designee.
- Any medical exceptions to the standard uniform must be prescribed in writing from a licensed physician and approved by the Chief of Police or his designee.

## III. Definitions:

- |                           |  |
|---------------------------|--|
| Class A Uniform:          | A proper dress uniform   |
| Duty Uniform:             | A daily working uniform.   |
| Specialized Duty Uniform: | A daily working uniform appropriate to the function of the special assignment. |

#### IV. Regulation Uniforms

**Class A Uniform**, shall consist of *approved*:

- Hat- 8 point w/ hat badge
- Eisenhower Jacket
- Long/Short Sleeve Button style shirt
- Dress Trousers
- Neck tie
- Socks- black or navy
- Shoes or boots- black, smooth round toe
- Duty Gear unless approved by Chief or designee

**Duty Uniform**, shall consist of *approved*:

- Long or short sleeve, button style shirt
- Dress trousers or approved shift tactical pants
- Shoes or boots- black, smooth round-toe
- Tee shirt
  - white or black crew style
- Summer or winter jacket

#### REQUIRED WITH ALL UNIFORMS

- ❖ The Missoula Police Department badge (or sewn-on badge patch, as approved) shall be displayed on the outermost uniform garment at all times.
- ❖ Each member shall wear a nametag with, at a minimum, their first initial and last name affixed to their outermost uniform garment at all times. Gold for Lt. and above, silver for Sgt and below or direct embroidered/sewn-on to the garment.

#### **Duty Gear:**

- All issued duty gear and equipment holders will be black leather (or simulated leather) with basket weave design. Black nylon gear is optional for duty wear in Bianchi Accumold or Elite series.
- Duty gear may consist of any of the following equipment:
  - Holster- security Level 2 or above, or any holster approved by the Chief of Police or his designee per the firearms policy.
  - Blade Tech or Taser brand exoskeleton holster or other approved holster, black in color
  - Handcuff case(s), OC-10 holder, magazines holders, radio holder, belt keepers, inner & outer belts, flashlight holders, key holders

### **Additional Equipment:**

- Mag Light or Streamlight brand, halogen flashlight black in color
- Handcuffs; Peerless or Smith & Wesson brands, silver or black in color, hinged or chain style.
- Dark or metal framed sunglasses. Mirrored or multi-colored lenses and frames are not acceptable. Straps are acceptable but must be black or navy in color.

### **Restricted Items**

- Only those emblems, patches and accessory items specifically authorized by the Chief of Police or his designee will be worn with the authorized Department uniform.
- Pins, buttons, printed or graphic clothing displaying commercial advertising of brand names, political issues or alcohol or containing pictures, slogans of an offensive nature are not allowed
- No baseball caps shall be worn without permission of the Chief of Police.
- Any non-issued equipment that an officer wishes to carry or wear must have the approval of the Chief of Police or his designee.
- No brand names or logos shall be prominently displayed on footwear. No cowboy boots or work boots (White, Buffalo brand etc) will be allowed.
- No pins, ribbons or other accessories are allowed to be worn on Department hats.

### **Miscellaneous Provisions:**

- All new uniform/equipment purchases shall be from the current Department Approved Uniform/Equipment List, available from the Patrol Captain or training officer.
- The Department will annually publish the approved list to update items so that our uniform and equipment will take advantage of the newest technology. Style & brand changes may be added or deleted in this policy upon approval by the Chief of Police or his designee.
- (Grandfather exceptions): Previously authorized uniforms and equipment that is in good condition, proper working order and meets department color, style and construction standards may be allowed for use until such time that it requires replacement or at the direction of the division commander.
- Long Sleeve shirts will be worn with sleeves fully extended and buttoned at wrist.

### **Inclement or Severe Weather:**

- Temporary deviations from normal uniform attire may be approved by the employee's supervisor in the event of extreme climatic conditions. This may include, but is not limited to the wearing of rainwear, sweaters, boots, gloves and hats. The following items are pre-authorized for cold weather:
  - MPD watch cap- black
  - Ear warmer band – black

- Black turtleneck, mock turtleneck or dickey may be worn with a duty uniform

## V. Ornamentation and Emblems of Rank

### Metal Collar Ornaments – Size and Color:

- Eisenhower (Ike) Jacket
  - ½" - Gold for Lt rank & above, Silver for Sgt & police officers
- Short or Long sleeve shirt
  - 3/8" - Gold for Lt rank & above, Silver for Sgt & police officers

### Eisenhower (Ike) Jacket:

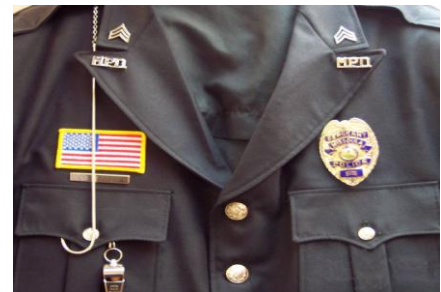
#### Chief, Assistant Chief, Captain, and Lieutenant-

- ½" Gold "MPD" on each lapel, ¼" below top of lapel centered between the side of the lapel and the seam and parallel to the top of the lapel.
- One (1) ½" gold braid stripe on each sleeve 3" from the bottom edge of the sleeve.
- Shoulder ornaments on each shoulder loop denoting appropriate rank shall be:

Chief:	4 gold stars
Assistant Chief:	3 gold stars
Captain:	2 gold bars (1")
Lieutenant:	1 gold bar (1")

#### Sergeant and Corporal-

- 2 or 3 bar sleeve chevron, light blue cloth outlined in white on body of dark blue cloth to be worn with point up, midway between elbow and shoulder on both sleeves.
- ½ " Silver "MPD" pin on each lapel ¼" below top of lapel, centered between the side of the lapel and the seam, and parallel to the top of the lapel.
- Silver 3-bar chevrons 5/8" high, ¼" above bottom of collar, centered between edge of collar and the seam, and parallel to bottom of collar. Same for Corporal with two bar chevrons.



1 Sergeant pictured

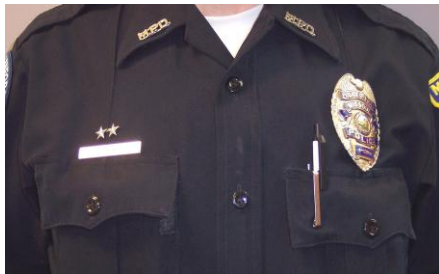
#### Police Officers -

- ½" Silver "MPD" on each lapel ¼" below top of lapel, centered between the side of the lapel and the seam and parallel to the top of the lapel.

**Shirts - All Ranks:**

- Long sleeve shirts - Ornaments on each side of collar, ½” back from front of the collar, centered between the top of collar and lower edge and *parallel with the top of the collar*. Long sleeve shirts without collar liner may also be worn collar open with ornament parallel to the floor.
- Short sleeve shirts are worn collar open. The collar ornaments will be *parallel with the floor ½”* up from the bottom.
- Collar ornaments on each collar denoting rank shall be:

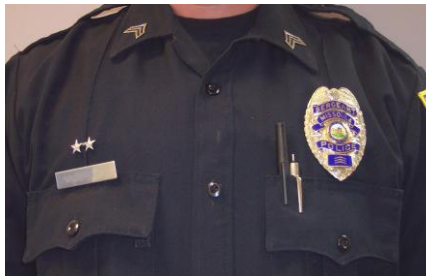
Chief:	4 gold stars
Assistant Chief:	3 gold stars
Captain:	2 gold bars (1”)
Lieutenant:	1 gold bar (1”)
Sergeant	Silver Chevron 5/8”
Corporal	Silver 2 bar Chevron 5/8”
Officer	Silver “MPD” 3/8”



Officer Short Sleeve



Long Sleeve – closed collar w/tie



Sergeant Short Sleeve  
w/ black night shift t-shirt



Sgt. long sleeve w/ tie

**Hat ornamentation:**

**Chief and Assistant Chief-** Gold band across front with gold braid brim

**Captain and Lieutenant-** Gold band across front of hat

**Sgt/police officer-** Silver band across front

**Rookie-** Black band across front

**Badge and Hat Badge:**

Rank denoted as “Chief”, “Assistant Chief”, “Captain”, “Lieutenant”, “Sergeant” or “Police Officer”



## Service Stripes & Stars:

One gold stripe for each year of service, to be worn on left sleeve of Eisenhower 3" up from bottom edge of the sleeve. Bars representing one (1) year of service will be placed immediately above any 5 year stars worn on the Eisenhower Jacket.



Example: 15-19 years on shirt



Example: 19 years on Ike

For personnel with over five (5) years' of service, one 1/2 " gold/silver star for each five years shall be worn above the name tag on the right pocket of uniform shirts.

## Department Shoulder Patch:

Outline of the State of Montana with Great Seal of the State and the words MISSOULA POLICE is worn 3/4" below seam on left shoulder of all jackets (except leather) and uniform shirts, top edge of patch parallel to floor. Shoulder patch is the same for all ranks.

## Optional Patches:

MLEA or FBI NA shoulder patches worn 3/4" below seam on right shoulder and centered on sleeve of Eisenhower jacket and shirts. Any patch authorized by the Chief of Police to be worn 3" above bottom edge of right sleeve and centered on Eisenhower, 1" above the cuff on the winter shirt. Another authorized patch will be worn on the right sleeve 3/4 inch below the seam and centered.

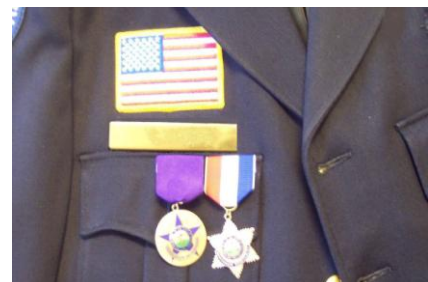
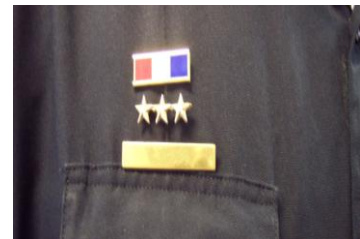
## US Flag:

To be worn on the Eisenhower and winter coats only and placed 3/4" above the right pocket parallel to the top of the pocket and centered on the pocket.

## Awards, Medals, Ribbons and Special Unit Pins:

Special Unit Pins and Award Ribbons may be worn & centered above the right breast pocket 1/4 inch above the name tag or service stars whichever is higher. They may be stacked or worn horizontally.

Award Medals may be worn on the Eisenhower jacket on the right breast pocket in line with the top seam from left to right horizontally.



## **VI. Specialized Duty Assignment Dress:**

Unless otherwise approved, on-duty non-uniformed personnel will carry on their person the following:

**Authorized firearm secured in a department authorized holster or fanny pack, handcuffs or other authorized restraint device, Badge and ID.**

### **Detectives**

- The standard dress code for detectives will be business attire.
- Denim jeans, shorts and pants with holes, tears and/or stains will not be allowed in normal circumstances.
- Shirts may be button front with a collar, crew neck dress shirt, or V- neck with a shirt underneath. If any shirt is worn un-tucked, it must have a square bottom. T-shirts or sweatshirts are not allowed.
- Badge must be worn on belt clip adjacent to weapon.
- All clothing will be conducive to the working environment. However, consideration shall be given to tradition, expectations and requirements of others when selecting the appropriate clothing for the event or activity the detective is involved in.
- Footwear for detectives must be appropriate and will exclude athletic shoes.

### **Undercover and Rough Duty:**

- Denim jeans, tennis shoes and casual attire will be allowed.

### **Court Dress (all officers)**

Municipal/Justice Court:

Professional business attire and/or duty uniform is required in Municipal and Justice Court.

District or Federal Court:

Class A dress Uniform or Coat and tie is required for District or Federal Court.

### **Training and Presentation Dress Code:**

For training and presentations officers will wear professional business attire or may wear khaki "docker" style or tactical style pants with a polo shirt with the Missoula Police Department logo above the left breast pocket.

### **Street Crimes Unit Uniform**

The Street Crimes Unit dress code will be mission specific. The SCU will therefore be allowed greater discretion in the type of clothing to be worn

as dictated by each operational assignment, including maintaining ready access to the uniform of the day.

The Street Crimes Unit will take into consideration the varying need for less obvious identifiers as law enforcement (i.e. exposed badge, gun, emblems etc.) However, the Street crimes Officer shall be quickly capable of identifying him/herself as such. All clothing will be conducive to the working environment.

### **Other Specialty Unit and Assignment Uniforms:**

Refer to Uniform Itemized List for the following assignment and special team uniforms

- Bicycle Patrol
- SWAT, CDU and EOD Uniforms
- Honor Guard
- K-9 Unit
- Motor Patrol

## **VII. Grooming and Appearance**

Supervisors are responsible to ensure the proper grooming and appearance policy is adhered to:

### **Male-**

- **Hair:** Hair must be clean and neat. The style will not taint the Department's public image or impede the employee's performance. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The hair will not extend over the top of the ears and should not interfere with the wearing of standard issue headgear.
- **Mustache and Beards:** Moustaches, if worn, will be of moderate length and neatly trimmed and will not extend more than one quarter inch below or one quarter inch past the corners of the mouth. No handle-bar mustaches will be allowed. Full Beards are not allowed unless approved by the chief or his designee. Classic style Goatees that include a moustache will be allowed if kept short and must be neat and well trimmed. A "chin beard" extending from the corners of the mouth around the chin will be allowed if kept short and neat in appearance. Soul patches are not permitted.
- **Sideburns:** Sideburns, if worn, will not extend below the bottom of the earlobe. They will be of an even width and with a clean shaven and horizontal line not extending forward or flared. Muttonchops are not allowed.

**Female Hair:**

Hair must be clean, neat and will be worn in a style that does not jeopardize officer safety (i.e. hair will not obstruct officer's vision). The style will not taint the Department's public image or impede the employee's performance. Hair will be worn in styles that permit the proper wearing of standard issue headgear and be maintained under all but the most adverse conditions. Beads ribbons, jeweled pins or other ornaments will not be worn. Plain pins, combs, barrettes or rubber bands similar in color to the individual's hair color may be worn. Spray-on paint or extreme coloring will not be worn.

**Cosmetics:**

Cosmetics, when worn, will be in good taste using conservative, natural looking products.

**Fingernails:**

Fingernail polish may be worn by female employees only. It will be of a conservative solid shade without ornamentation and will not detract from a uniform appearance. The wearing of florescent or multi-colored polishes or nails is not allowed.

**Additional Grooming – Non gendered:**

- **Piercing:**

Post style earrings may be worn by female employees and will not extend below the bottom of the earlobe and will not have loose or dangling parts while in patrol uniform. Earrings will not be worn in the upper portion of the ear. No plugs will be allowed by any employees.

- Visible body piercing studs or simulated body-piercing studs, other than ear studs are not allowed.

- **Tattoos:**

- **Visible face, neck or hand tattoos are prohibited.**
- Tattoos will not be visibly displayed on any part of the body if they are obscene, offensive, sexually suggestive, profane or discriminatory in any way towards persons on the basis of race, color, national origin or ancestry, religion, age, sex, or disability.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>ARREST - DISCRETION</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>12/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>5</b>	<i>Policy #</i> <b>5.10</b>	<i>Distribution:</i>
<i>References:</i> <b>MCA 46-6-105, MCA 46-6-311, MCA 46-6-102, State v. Ellinger, MPD Policy 10.20</b>		

## I. Purpose

The purpose of this policy is to promote the use of professional judgment and recognition of situational or other factors by officers in making arrests.

## II. Policy

It is the policy of this department that officers have discretion on whether to arrest or cite a person for certain criminal and traffic offenses. Officers shall use good judgment and the totality of the circumstances to make the decision to arrest or cite. Officers shall weigh the need to arrest an individual and ensure the decision to arrest is based on probable cause. Reasons to arrest include, but are not limited to, a warrant, public/victim safety, Departmental directive or to maintain the peace.

## III. Definitions

**Probable Cause-** At the time of arrest, if the facts and circumstances within the officer's personal knowledge or upon information imparted to him by a reliable source, are sufficient to warrant a reasonable person to believe that the suspect has committed an offense.

## IV. Procedures

1. Officers shall ensure there is probable cause to make the arrest.
2. The decision to arrest shall be made using all available information and includes, but is not limited to, the seriousness of the offense, public safety, safety of the victim, weapon involvement, the nature of the incident, demeanor of the subject and the probability of the person appearing in court if released on their own.
3. If uncertain about whether to arrest a subject, officers should contact the Shift Commander or their supervisor.

4. Arrest is the preferred response in partner or family member assault cases involving injury to the victim, use or threatened use of a weapon, violation of restraining order, or other imminent danger to the victim.
5. Officers shall be familiar with those offenses that do not permit arrest of a person. City Ordinances and those statutes without jail as a penalty do not allow an arrest. The majority of Traffic Offenses and a few Criminal Offenses (Illegal Possession, Fake ID, etc.) do not have jail time, and thus the subject cannot be arrested.
6. A person may not be arrested in the person's home or private dwelling place at night for a misdemeanor committed at some other time and place except with a warrant endorsed by a judge. The only exception to this is for the offense of Partner or Family Member Assault.
7. Senators and Representatives can only be arrested for felony or breach of the peace violations during state legislature sessions and going to or returning from the same.
8. Judges, attorneys, clerks, sheriffs and other court officers shall be privileged from arrest while attending court and while going to and returning from court.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>CITATION IN LIEU OF ARREST</b>		
<i>Effective Date:</i> <b>12/01/2007</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>5</b>	<i>Policy #</i> <b>5.20</b>	<i>Distribution:</i>
<i>References:</i>		

## I. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for determining when it is appropriate to issue citations to offenders in lieu of making custodial arrests, and releasing them to appear in Municipal Court on their own recognizance for misdemeanor offenses.

## II. POLICY

It is the policy of this department that officers may issue citations to offenders instead of making custodial arrests when: probable cause exists that a relatively minor misdemeanor criminal offense has occurred *and* the officer is reasonably certain that the suspect will appear in court on the next business day to appear on the charge. The suspect must be from the local area, and have no history of not appearing for previous court dates.

This policy should only be considered when the suspect does not have any other charges, such as felonies or multiple misdemeanors, pending simultaneously.

Offenses that should not be considered include Partner/Family Member Assault and Order of Protection violations, in which arrest is the preferred response by statute.

## III. DEFINITIONS

**Local area-** the area within or adjacent to Missoula. Examples of areas that would be considered local would be; Missoula County, Lolo, Stevensville, Arlee, East Missoula, Bonner, etc.

**Court appearance history-** suspects that have or previously had outstanding warrants, for example, have a history of not appearing for previous court dates, therefore it may not be appropriate to consider citation and release.

**Relatively Minor Misdemeanor offense-** offenses such as traffic, property crimes, criminal mischief, or disorderly conduct or other Non-Arrestable offenses.

#### **IV. PROCEDURES**

1. Officers should ensure that probable cause for a misdemeanor criminal offense has occurred.
2. Verify that the suspect has identification, and that the suspect does not have outstanding arrest warrant(s).
3. Ascertain that the suspect is from the local area, and that the suspect agrees to appear in Municipal Court on the next business day.

Violators of criminal offenses and serious traffic infractions who meet these criteria may be cited and released on their own recognizance to appear in Municipal Court no later than the next business day.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



*Subject:*

## ARRESTABLE OFFENSES

*Effective Date:*  
**12/01/2007**

*Original Date:*

*Next Review:*  
**12/01/2009**

*Chapter*  
**5**

*Policy #*  
**5.30**

*Distribution:*

*References:*

5.20 Citation in Lieu of Arrest, 5.40 Acceptance of Bond;  
State v. Bauer 2001

### I. Purpose

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for determining whether offenders may be subject to arrest and placed in custody for misdemeanor and/or felony offenses or warrants.

### II. Policy

The Missoula Police Department recognizes that potential penalties for offenses impact whether offenders are subject to arrest, based on whether jail time is statutorily authorized. Arrest should only be an option if probable cause exists, when jail time is statutorily authorized and immediate arrest is appropriate.

Generally, Missoula City Ordinance violations do not allow for jail time as a penalty, and therefore, these violators should only be cited for the offense.

Individuals with confirmed, outstanding arrest warrants should be incarcerated or required to post bond as applicable.

*\*Montana Supreme Court Decision 2001 (State v. Bauer)*

"We hold that under Article II, Section 10 and Section 11, of the Montana Constitution, it is unreasonable for a police officer to affect an arrest and detention for a non-jailable offense when there are no circumstances to justify an immediate arrest. In the absence of special circumstances such as a concern for the safety of the offender or the public, a person stopped for a non-jailable offense such as second offense, MIP, or a seatbelt infraction should not be subjected to the indignity of an arrest and police station detention when a simple, non-intrusive notice to appear pursuant to § 46-6-310(1), MCA, will serve the interests of law enforcement.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>ACCEPTANCE OF BOND</b>		
<i>Effective Date:</i> <b>01/01/2008</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>5</b>	<i>Policy #</i> <b>5.40</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to establish guidelines for members of this department when an offender may post a surety bond, and when to collect bond amounts specified in arrest warrants.

## II. Policy

It is the policy of this department that offenders who are to be subject to arrest and incarceration may post a surety bond to ensure their appearance in court, except those offenses which require appearance before the judge without bail.

## III. Procedure

Department personnel are authorized to accept cash and surety bonds for offenders who are to appear in Municipal Court or for persons having outstanding Municipal Court warrants at the City Police Desk. Bonds can also be accepted at the Missoula County Detention Facility (MCDF), for convenience.

When offenders are charged with felonies or have confirmed, outstanding warrants from any other jurisdiction, they must be arrested and taken to the MCDF. There they are eligible to post any bond that may be required from the warrant hit, pursuant to the policies and procedures of the MCDF.

Offenders charged with a criminal offense, may post bond on the offense after being booked into jail. They may post a surety bond for misdemeanor violations based on the bond schedule determined by Municipal Court.

Offenders who have current Municipal Court warrants may post a cash bond equal to the amount specified in the warrant. The amount must be in cash, or in the form of a local check of up to \$200, or both. A proper receipt will be given to the person posting the cash bond, and will be required before any money can be returned.

Posting a cash bond for a criminal offense, or for an outstanding warrant, does not relieve the arrested person from the requirement to appear in court on the next business day.



## MISSOULA POLICE DEPARTMENT POLICY MANUAL

<i>Subject:</i> <b>JUVENILE ARREST &amp; INTERVIEW/INTERROGATIONS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>11/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>5</b>	<i>Policy #</i> <b>5.5</b>	<i>Distribution:</i>
<i>References:</i> <i>Missoula Police SOP, MCA Title 41 Chapter 5, 41-1-501 (Limited emancipation)</i>		

### I. Purpose

The purpose of this policy is to provide officers of the Missoula Police Department with assistance in the laws of arrest and procedures for interview/interrogations for juvenile offenders.

### II. Policy

It is the policy of this department to arrest juveniles only under required and/or specific conditions. In general, a citation in lieu of arrest is sufficient if contact is made with the juvenile's parent or guardian. Officers shall also follow specific laws and court rulings when interviewing or interrogating a juvenile.

### III. Procedures

The following are general principles set forth to establish the parameters for decision-making and to satisfy the need for consistency and uniformity when dealing with juveniles.

- A. **When juveniles are taken into custody or are the subject of a formal investigation, their parents, guardians or legal custodian shall be notified as soon as possible. If the parents, guardian, or legal custodian cannot be found through diligent efforts, a close relative or friend chosen by the juvenile must be notified.**
- B. Youths with **Limited Emancipation** are still subject to parental, guardian or legal custodian notification (MCA 41-5-103).
- C. All investigative and enforcement procedures, including interviewing, gathering evidence and apprehension shall be carried out as provided in this policy and state law.
- D. Every effort should be made to work cooperatively with other law enforcement agencies, schools, and Youth Court.

## **Arrests of Juveniles**

Juveniles who are observed committing an act, or where probable cause to arrest has been established, in which serious physical harm or danger to others exists, shall be taken into immediate physical custody.

Juveniles, who are observed committing an act, or where probable cause to arrest has been established, which constitute a felony or misdemeanor, may be taken into physical custody.

Juveniles, who have allegedly committed a Status Offense (offense that if committed by an adult would **not** constitute a criminal act), shall be returned to their parents or guardians after receiving a warning or citation. Examples of Status Offenses are Curfew, Runaway, Truancy, etc.

If a juvenile is arrested and placed in jail, a Juvenile Probation Officer and the juvenile's parent(s) or guardian(s) must be notified.

If a juvenile is detained in the building or holding cell for any length of time a Detained Juvenile Report shall be completed and turned in with the report.

## **Interviews and Interrogations**

All interviews and interrogations of juveniles will be conducted to insure maximum protection of the juvenile's constitutional rights. The child's physical condition, age, intelligence, educational level, level of intoxication and their ability to comprehend the meaning and effect of statements should be carefully evaluated in each case.

1. All juveniles who are taken into custody or detained in conjunction with an investigation will be advised of the nature of the crime of which they are suspected. All juveniles will be advised of their Miranda Rights prior to any questioning based on the following criteria.
  - a. Juveniles who are 16 years of age or older must be advised of their right to have a parent/guardian notified before questioning.
  - b. Juveniles who are 16 years of age or older may waive their rights including the above parental notification prior to questioning.
  - c. Juveniles who are 15 years of age or younger must have parents / guardian notified and both must sign a waiver of rights for it to be effective.
  - d. In all cases a Juvenile Rights form shall be properly completed prior to questioning.
  - e. All interviews will be recorded when the ability to do so is present, preferably both visually and audibly.

## **Juveniles in School**

### **Taking into custody on School Property during School Hours**

An officer may take any student into custody during school hours if the officer has probable cause to arrest the student, pursuant to an arrest warrant or request by JPO. The School Resource Officer (SRO) as well as the school principal shall be informed of all arrests made on school grounds during school hours. Notification of parents and/or guardians also applies. When safe and reasonable, the student should be first summoned to the office by the principal if not a safety or flight risk.

### **Interview of Suspects in School**

All interviews on school grounds and in school buildings will be conducted as discreetly as possible and with the consent and assistance of the school administration. If the student is in custody, he/she will be advised of their Miranda Rights. School officials cannot waive or invoke these rights on behalf of the student. Notification of parents and/or guardians also applies.

### **Questioning by Police, at the request of School Authorities**

If a school official has requested assistance from the police department in investigating a crime involving school buildings or students, the police may interview a student suspect in school during school hours.

### **Questioning by Police, without request of School Authorities**

If the police deem it necessary to interview students at school, the police shall first contact the school principal or his/her designee regarding the planned interview and inform him/her of the necessity to interview the student within the school. This would not apply when emergency circumstances require an immediate interview of a student.

## **Other Law Violations and Status Offenses**

Under most routine circumstances involving juveniles committing violations the preferred course of action is to issue a citation if probable cause exists and release the juvenile. Consideration must be given to the age of the juvenile and other factors such as presence of drugs/alcohol and the seriousness of the crime. Responding officer must contact the juvenile's parent or guardian.

1. When a juvenile is detained, an officer must be present with the juvenile at all times. This includes when a juvenile is placed in the Missoula Police Department holding cell. The juvenile will be under continuous visual supervision at all times.
2. Juveniles and Adults are not permitted to be placed in the holding cell together.

3. If the offense is alcohol related, the juvenile must be released to a parent or guardian.
  - a. If no guardian is available, a responsible, sober adult can be contacted to respond and take custody of the child. This includes relatives, neighbors or other adult willing to accept responsibility for the juvenile.
  - b. The officer will try and make contact with the parent/guardian and advise them of the incident at a later date if not contacted at the time of arrest
  - c. If no responsible adult is located, the on-call juvenile probation officer may be contacted and arrangements made to place the subject in an Attention Home setting if available.
  - d. If no other arrangements can be made contact the shift commander to assist in determining a course of action.
4. If the offense is not alcohol related, the juvenile may be cited and a parent or guardian may be contacted by telephone, advised of the situation and asked for verbal permission to release the juvenile on his/her own recognizance.
5. All above actions shall be documented in a written report.

### **Probation Violations**

Youth Court probation officers have the authority to request that a Missoula Police officer respond to take a juvenile offender into custody and place the youth in the detention center. The arresting officer will need to ensure that the parents of the juvenile are notified of the arrest either by the JPO or him/herself. A juvenile citation will be filled out and written report completed.

### **Orders of Apprehension**

An order issued by a court authorizing law enforcement officers to take physical custody of a juvenile will be affected upon confirming the existence of the order.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



**Subject:**  
**FOREIGN NATIONAL DETENTION/ARREST/DEATH**

**Effective Date:**  
**09/20/2007**

**Original Date:**  
**NEW**

**Next Review:**  
**12/01/2009**

**Chapter**  
**5**

**Policy #**  
**5.60**

**Distribution:**

**References:**

## I. PURPOSE

This policy contains instruction and guidance on consular notifications and access required upon the arrest, detention, or death of foreign nationals.

## II. POLICY

It is the policy of this department to adhere to the guidance provided by the U.S. Department of State concerning consular notification and access based on treaty obligations. Adherence to these obligations helps foreign governments provide assistance to foreign nationals arrested in the United States and helps the U.S. government protect U.S. citizens abroad. This department shall ensure that all foreign nationals are treated with respect and provided with immunities under international law where applicable (see the model policy on diplomatic immunity).

## III. DEFINITIONS

*Foreign National:* For the purposes of consular notification a foreign national is any person who is not a U.S. citizen. Lawful permanent resident aliens (or LPRs) who have resident alien registration cards (green cards) retain their foreign nationality and must be considered foreign nationals. The terms foreign national and alien are used interchangeably. Undocumented or illegal aliens are also foreign nationals.

*Detainee:* A detainee in this context is a foreign national who is arrested or placed in custody pending investigation or judicial appearance, or both. Brief stops of such persons for motor vehicle violations or similar incidents are not considered detentions for purposes of this policy.

*Consul or Consular Officer:* A citizen of a foreign country employed by that government and authorized by both the sending and the host countries to provide assistance on behalf of that government to its citizens in another country. Such persons are generally assigned to a consular section of an embassy in Washington, D.C., or to a consulate in another U.S. city. Consular officers or consuls who are accredited by the U.S. Department of State bear identification cards to that effect issued by the U.S. Department of State.

*Mandatory Notification:* As identified in this policy, certain foreign nations have entered into specific bilateral agreements with the United States requiring that their consulate or embassy be notified of any arrest or detention of a foreign national of their country regardless of the desires of the arrested or detained foreign national.

*Notification at the Foreign National's Option:* Foreign nationals from countries that are parties to the Vienna Convention on Consular Relations (VCCR) must be provided with the option of having the consulate notified of their arrest or detention. If the detainee requests notification, a responsible detaining official must ensure that notification is given to the nearest consulate.

*Diplomatic Immunity:* A requirement by international law under which certain foreign government officials are not subject to the jurisdiction of local courts and authorities, for both their official and, to a large extent, their personal activities.

*Inviolability:* A principle embodied in international law that generally precludes law enforcement officials from handcuffing, arresting, or detaining certain foreign diplomatic officials, in any form, and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Where public safety is in imminent danger or it is apparent that a violent felony may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity or defend themselves or others from personal harm.

#### **IV. PROCEDURES**

##### **A. Identification**

1. Officers shall identify the foreign national's citizenship in the most efficient manner possible (by passport, travel document, or diplomatic card, for example).
2. Only an identity card issued by the U.S. Department of State's Office of Protocol or by the U.S. mission to the United Nations may be used as valid identification for diplomats and consular officials. The identification cards are color coded as follows:
  - a. Blue border: diplomatic officers and their families
  - b. Green border: embassy administrative, technical, and service staff employees
  - c. Red border: consular officers, employees, or their families
3. If an officer discovers through the identification process that a foreign national has or may have diplomatic immunity, please see the model policy on diplomatic immunity.



## B. Consular Notification Obligations

1. Consular notification obligations are triggered upon any one of the following situations:
  - a. The arrest or detention of a foreign national
  - b. The death or serious injury of a foreign national
  - c. A wreck or crash in U.S. territory of a ship or aircraft under foreign registry
2. In cases where a foreign national is the victim of a serious crime or felony, the officer or supervisor shall ask the victim whether he or she would like consular notification to be made. The Federal Bureau of Investigation (FBI) shall be notified when any of the following acts have been committed against a foreign national:
  - a. Murder or attempted murder
  - b. Conspiracy to commit murder
  - c. Manslaughter or attempted manslaughter
  - d. Kidnapping or attempted kidnapping
3. Officers who suspect that a person being arrested or detained is not a U.S. citizen shall inquire about his or her nationality in order to determine whether any consular notification obligations apply. When such requests are made, the officer should explain the purpose of the inquiry.
4. If an arrestee or detainee indicates that he or she is a foreign national, he or she should be asked for a passport or green card as identification. Officers shall determine the foreign national's country using the identification information provided. Undocumented illegal aliens are also entitled to consular notification and access. Absent any citizenship documentation, accept the foreign national's own statement about nationality. If it is determined that the person is an illegal alien, the officers may send the information to the U.S. Immigration and Customs Enforcement (ICE) upon approval of a supervisor and document the notification in the incident report.
5. Persons who indicate that they are U.S. citizens shall be presumed to be citizens.
6. Persons who indicate that they are dual citizens of another country and the United States shall be treated as a U.S. citizen. In other words, consular notification is not required.

### C. Mandatory versus Optional Notification

1. Foreign nationals shall be informed of the option to communicate with their consular officials whenever they are arrested or detained.
  - a. In most cases, foreign nationals shall have the option of deciding whether to have their consular representative notified of the arrest or detention. This applies in all cases except foreign nationals who are citizens of the states listed in annex 1 of this policy.
  - b. Those nations listed in annex 1 of this policy have bilateral treaties with the United States that require authorities to make notification to consular officials of the arrest or detention of one of their nationals, regardless of that national's wishes.
2. The arresting officer or supervisor shall notify an arrested or detained foreign national when a mandatory notification has been made to his or her consulate or embassy.
  - a. The individual shall be advised that he or she is not required to accept the consulate's assistance, but that the consulate may be able to help obtain legal counsel, contact family members, and visit the individual in detention, among other things.
  - b. In most cases, the reason for the arrest and detention does not have to be volunteered to the consular official; it should be provided only when specifically requested by the official or when it is required under a specific provision in a bilateral treaty.
  - c. Mandatory notification requirements must be honored, even if the officer has reason to believe that the foreign national may suffer persecution or mistreatment by his or her government, though precautions should be taken to prevent the release of sensitive information.
3. Under no circumstances shall any information indicating that a foreign national has applied or is considering applying for asylum be disclosed to a foreign national's government official.

### D. How to Provide Notification

1. When an officer believes that consular notification may be required, he or she should notify a supervisor.
2. The supervisor should verify the country of origin of the foreign national and determine whether consular notification is at the option of the foreign national or whether it is mandatory.

3. In the case of optional notifications, the supervisor or detaining officer shall ascertain whether the foreign national desires that the notification be made.
4. Statements shall be provided to foreign nationals for review and signature as provided in annex 2 of this policy. Translations of these statements are available in the Consular Notification and Access booklet provide by the Department of State or through the State Department's Web site at [www.travel.state.gov/law/consular/consular\\_749.html](http://www.travel.state.gov/law/consular/consular_749.html). A signed copy of this form shall be retained in the arrest or booking file.
5. Notifications to consuls or embassies should be made by facsimile transmission as soon as reasonably possible and a copy of the completed fax transmission verification sheet retained with arrest or booking records. A suggested fax sheet for notification to foreign consuls and a list of foreign embassies and consulates in the United States with contact information is provided on the State Department's Web site at [www.travel.state.gov/law/consular/consular\\_753.html](http://www.travel.state.gov/law/consular/consular_753.html).
6. The prosecutor's office should be notified whenever a consular notification has been made.
7. Consular officials shall also be notified in the foregoing manner upon the death of a foreign national that comes to the attention of this department and in incidents involving wrecks or crashes in U.S. territory of ships or airplanes registered to foreign countries.
8. The department shall keep a written record of each instance a consul has been contacted to demonstrate that it has complied with the notification requirements set forth by the U.S. Department of State.

#### E. Consular Access to Detained Foreign Nationals

1. This department shall provide consular officers with reasonable access to detainees who request such access consistent with this department's policy and procedures governing visitation of detainees.
2. Authorized personnel shall permit the transmission of communications from foreign nationals to their respective consular official provided the transmissions are of reasonable duration and frequency.
3. Consular officials shall not serve as legal counsel for their foreign national constituents and do not retain attorney-client privileges. However, consular officials may be allowed to converse privately with their constituent if they so request and the request can be reasonably accommodated.
4. Consular officers may provide the following types of assistance to a detainee under the terms of international agreements, although such services vary by the capabilities of country representation in the United States:

- a. Determine the detainee's situation and needs
- b. Arrange for legal counsel and monitor case progress
- c. Contact authorities concerning the conditions of confinement and bring personal items to the detainee as permitted by departmental policy
- d. Contact the detainee's family on his or her behalf

#### F. Reference Information

Information on notification requirements, procedures, and contact numbers may change. The U.S. Department of State Web site at [www.travel.state.gov/law/consular/consular\\_753.html](http://www.travel.state.gov/law/consular/consular_753.html) shall be consulted periodically to update information on the following:

1. Requirements pertaining to foreign nationals
2. Steps to follow when a foreign national is arrested or detained
3. Mandatory notification countries and jurisdictions
4. Suggested statements to arrested or detained foreign nationals
5. Suggested translation procedures
6. Suggested fax sheet and telephone and fax numbers
7. Consular identification cards

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>OBTAINING ARREST WARRANTS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>12/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>5</b>	<i>Policy #</i> <b>5.70</b>	<i>Distribution:</i>
<i>References:</i> <b>46-6-214 (Form and content of arrest warrant)</b>		

## I. Purpose

The purpose of this policy is to provide law enforcement officers of this agency with the guidelines for obtaining an arrest warrant.

## II. Policy

It is the policy of this department that when probable cause exists, and the whereabouts of a person is unknown, an arrest warrant is requested. In the majority of cases the City or County Attorney's Office will be involved in requesting an arrest warrant from a Judge. Officers shall weigh the need to issue a warrant if other means are available, such as mailing the citation. Issues such as a violent crime, danger to the public or the potential of the suspect leaving the area shall also be included in the decision to request a warrant. Officers should exhaust all other means of contacting the person(s) prior to requesting a warrant, unless the above exigent circumstances exist.

## III. Definitions

**Probable Cause-** At the time of arrest, if the facts and circumstances within the officer's personal knowledge or upon information imparted to him by a reliable source, are sufficient to warrant a reasonable person to believe that the suspect has committed an offense.

## IV. Procedures

### Misdemeanor

When probable cause exists for a misdemeanor offense, the officer shall complete a Notice to Appear and Affidavit of Probable Cause.

The Notice to Appear shall contain the violation, person's name, date-of-birth and known physical descriptors. A Notice to Appear and Affidavit of Probable Cause must be completed for each charge that a warrant is requested.

The officer shall attach the Affidavit of Probable Cause to the Notice to Appear and place a note requesting a warrant on the white copy of the ticket. The City Attorney's Office will then review the ticket and affidavit and request a warrant.

If there is urgency for the warrant, the officer can go directly to the City Attorney's Office and request an attorney review the case to expedite the process. A Notice to Appear and Affidavit of Probable Cause still must be completed. In the event a City Attorney is not available, the officer can go directly to the court.

Arrest warrants for misdemeanor offenses occurring in the city limits, not associated with other felony offenses, shall be signed by a Municipal Court Judge.

### **Felony**

When probable cause exists for a felony offense, the detective shall complete a Case Referral form and forward the case to the County Attorney's Office. The detective can request a warrant using the Case Referral form.

If a patrol officer completes a felony investigation, the officer shall contact the Detective Division for assistance in forwarding the case to the County Attorney's Office.

If circumstances exist where a warrant is needed in a timely manner, the detective shall complete the Case Referral form and personally contact a County Attorney. The detective shall explain the circumstances and request the process is expedited.

Arrest warrants for felony offenses occurring in the city limits shall be signed by a District Court Judge.

It is preferred that probable cause arrests for felony offenses be made only when the seriousness of the crime warrants such action, victim safety is jeopardized or consultation with the County attorney's office has taken place.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>SEARCH AND SEIZURE</b>		
<i>Effective Date:</i> <b>09/01/2007</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>6</b>	<i>Policy #</i> <b>6.10</b>	<i>Distribution:</i>
<i>References:</i> <i>Field Interviews and Pat Downs, Search Incident to Arrest, Strip and Body Cavity Searches</i>		

## I. Purpose

The purpose of this policy is to help officers determine when a search of a person, place or object is warranted.

## II. Policy

It is the policy of this department that all officers know the legal requirements associated with searches and seizures to prevent the suppression of evidence, to support the Constitutional rights of all citizens and to maintain public confidence in our ability to carry out the police function in an ethical and legal manner.

## III. Definitions

**46-5-101. Searches and seizures -- when authorized.** A search of a person, object, or place may be made and evidence, contraband, and persons may be seized in accordance with Title 46 when a search is made:

- (1) by the authority of a search warrant; or
- (2) in accordance with judicially recognized exceptions to the warrant requirement.

**46-5-103. When search and seizure not illegal.**

- (1) A search and seizure, whether with or without a warrant, may not be held to be illegal if:
  - (a) the defendant has disclaimed any right to or interest in the place or object searched or the evidence, contraband, or person seized;
  - (b) a right of the defendant has not been infringed by the search and seizure;or
  - (c) any irregularity in the proceedings has no effect on the substantial rights of the accused.
- (2) Evidence, contraband, or persons lawfully seized are admissible as evidence in any prosecution or proceeding whether or not the prosecution or proceeding is for the offense in connection with which the search was originally made.

**Search:** A Government action which infringes a reasonable expectation of privacy.

**Reasonable Search:** Requires a valid search warrant or an exception to the search warrant requirement.

**Scope of search:** The scope of any search is limited by what we are searching for. Once what we are searching for is found we must quit searching.

**Curtilage:** is a legal term describing the enclosed area of land around a dwelling. It is distinct from the dwelling by virtue of lacking a roof, but distinct from the area outside the enclosure in that it is enclosed within a wall or barrier of some sort. An area is curtilage if it "harbors the intimate activity associated with the sanctity of a man's home and the privacies of life." Courts make this determination by examining "whether the area is included within an enclosure surrounding the home, the nature of the uses to which the area is put, and the steps taken by the resident to protect the area from observation by people passing by."

**Open Field:** The area that is outside the curtilage of the home.

#### IV. Procedures

Warrantless searches are illegal per se and any time we intrude into a place where someone has a reasonable expectation of privacy we must have either a search warrant or a valid exception to the search warrant requirement. It is always preferable to search with a search warrant when practical.

A search without a warrant can be conducted in only eight narrowly defined situations:

##### A. Search incident to a lawful arrest

Searches of a person or the area within the immediate control of a person who has been lawfully arrested are permitted to secure weapons or evidence of a crime. Search Incident to Arrest is governed by policy # 6.30

##### B. Plain view

First the item to be seized must be in plain view and its incriminating character must also be "immediately apparent". Second, not only must the officer be lawfully located in a place from which the object can be plainly seen, but he or she must also have a lawful right of access to the object itself. (*Don't have to open a car door to get to it or enter a house to gain access to the item.*)

##### C. Consent

A search may be conducted pursuant to consent without a warrant and without probable cause to obtain a warrant. The consent must be voluntary, freely and intelligently given by an appropriate party and the search must be limited to the terms of the consent. Written consent should be sought whenever reasonable possible.

##### D. Emergency Situation (Hot Pursuit)

Officers may conduct searches when they believe that a person is in need of immediate assistance under life-threatening conditions, when immediate action is necessary to protect the public from harm or when, for example, an officer encounters a homicide scene and needs to search for additional victims, protect vital evidence or pursue the perpetrator.



**E. Stop and Frisk**

An officer may stop a person in order to obtain or verify an account of their presence or conduct if he/she has a particularized suspicion that the person has, is, or is about to commit a criminal offense. The officer may frisk the person for weapons if he/she has reasonable cause to suspect the person is armed and

presently dangerous to the officer or others. Stop and frisk is governed by statute and by policy # 6.20 Field Interviews and Pat Downs.

**F. Abandoned property**

There is no reasonable expectation of privacy associated with abandoned property.

**G. Open fields**

There is no reasonable expectation of privacy in an open field. The area that is outside the curtilage of the home, which courts refer to as an open field, is not protected by the Fourth Amendment.

**H. Impounded vehicles**

Inventory searches of impounded vehicles are allowed to protect the vehicle owner's property and the City of Missoula from liability. We do not currently have an enabling policy and therefore this exception is not relevant.

**Third Party Searches**

**A. Searches by school officials:**

School officials may search a student, student's locker and/or a student's property when the official has reasonable suspicion to believe that the student is involved in either illegal activity or a violation of the school rules.

1. A police officer may stand by during the search but may not participate in the search.
2. Prior to taking legal action based on evidence seized by a school official, the officer should verify the following:
  - a. The school official had reasonable suspicion for conducting the search and that the scope and duration of the search were reasonably related to the reason for the search.
  - b. The search was conducted in the school or on school controlled property.
  - c. The search was NOT conducted by law enforcement officer OR at the request of a law enforcement officer.

**B. Search by Private Persons:**

Searches by private persons are not governed by the Fourth Amendment of the U.S. Constitution. It is possible to receive evidence from a private party search.

Some examples include:

1. employer searching an employee's work area,
2. parent or spouse searching their residence,
3. a common carrier, such as UPS, searching a package entrusted to their care.
4. hotel or motel employee searching a room

Any search conducted by school officials or private persons at the request of a law enforcement officer **ARE SUBJECT** to the fourth amendment search warrant requirement.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



*Subject:*

## FIELD INTERVIEWS AND PAT-DOWN SEARCHES

*Effective Date:*

**09/01/2007**

*Original Date:*

*Next Review:*

**12/01/2009**

*Chapter*

**6**

*Policy #*

**6.20**

*Distribution:*

*References:*

*Search and Seizure, Search Incident to Arrest  
Strip and Body Cavity Searches*

### I. Purpose

The purpose of this policy is to help officers determine when field interviews and pat-down searches are warranted and to establish the proper way to conduct them.

### II. Policy

The field interview is an important point of contact for officers in preventing and investigating criminal activity. Even when conducted with respect for involved citizens and in strict compliance with the law, the field interview can be perceived by some as police harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers who must approach suspicious individuals, law enforcement officers shall conduct field interviews and perform pat-down searches in conformance with procedures set forth in this policy.

### III. Definitions

**Field Interview:** The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion, for the purposes of determining the individual's identity and resolving the officer's suspicions concerning criminal activity.

**Reasonable Suspicion:** Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

**Pat-Down Search:** A "frisk" or external feeling of the outer garments of an individual for weapons only.

#### **46-5-401. Investigative stop and frisk.**

(1) In order to obtain or verify an account of the person's presence or conduct or to determine whether to arrest the person, a peace officer may stop any person or vehicle that is observed in circumstances that create a particularized suspicion that the person or occupant of the vehicle has committed, is committing, or is about to commit an offense. If the stop is for a violation under Title 61, unless emergency circumstances exist or the officer has reasonable cause to fear for the officer's own safety or for the public's safety, the officer shall as promptly as possible inform the person of the reason for the stop.

(2) A peace officer who has lawfully stopped a person or vehicle under this section may:

- (a) request the person's name and present address and an explanation of the person's actions and, if the person is the driver of a vehicle, demand the person's driver's license and the vehicle's registration and proof of insurance; and
- (b) frisk the person and take other reasonably necessary steps for protection if the officer has reasonable cause to suspect that the person is armed and presently dangerous to the officer or another person present. The officer may take possession of any object that is discovered during the course of the frisk if the officer has probable cause to believe that the object is a deadly weapon until the completion of the stop, at which time the officer shall either immediately return the object, if legally possessed, or arrest the person.

(3) A peace officer acting under subsection (2) while the peace officer is not in uniform shall inform the person as promptly as possible under the circumstances and in any case before questioning the person that the officer is a peace officer.

#### **IV. Procedures—FIELD INTERVIEWS**

##### **A. Justification for Conducting a Field Interview**

Law enforcement officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

1. The appearance or demeanor of an individual suggests that he or she is part of a criminal enterprise or is engaged in a criminal act.
2. The actions of the suspect suggest that he or she is engaged in a criminal activity.
3. The hour of day or night is inappropriate for the suspect's presence in the area.
4. The suspect's presence in a neighborhood or location is inappropriate.
5. The suspect is carrying a suspicious object.
6. The suspect's clothing bulges in a manner that suggests he or she is carrying a weapon.
7. The suspect is located in proximate time and place to an alleged crime.
8. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.
9. The individual flees at the sight of a police officer.

##### **B. Procedures for Initiating a Field Interview**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he has reasonable suspicion to do so. The following guidelines shall be followed when making an authorized stop to conduct a field interview:

1. When approaching the suspect, the officer shall clearly identify himself as a law enforcement officer, if not in uniform, by announcing his identity and displaying departmental identification.
2. Officers shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
3. Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
4. Officers shall confine their questions to those concerning the suspect's identity, place of residence, and other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a suspect longer than is reasonably necessary to make these limited inquiries and resolve suspicions.
5. Officers are not required to give suspects *Miranda* warnings in order to conduct field interviews unless the person is in custody and about to be interrogated.
6. Suspects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest although it may provide sufficient justification for additional observation and investigation.

## V. Procedures—PAT-DOWN SEARCHES

### A. Justification for Conducting Pat-Down Searches

A law enforcement officer has the right to perform a pat-down search of the outer garments of a suspect for weapons if (1) the suspect has been legitimately stopped with reasonable suspicion and (2) only when the officer has reason to believe that the suspect possesses weapons on his or her person and poses a threat to the officer's or another person's safety. Not every field interview poses sufficient justification for conducting a pat-down search. Following are some criteria that may form the basis for establishing justification for performing a pat-down search. Officers should note that these factors are not all-inclusive; there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to justify a pat-down search:

1. The type of crime suspected—particularly in crimes of violence where the use or threat of deadly weapons is involved.
2. Where more than one suspect must be handled by a single officer.
3. The hour of the day and the location or neighborhood where the stop takes place.
4. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
5. The appearance and demeanor of the suspect.

6. Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.
7. The age and gender of the suspect. Whenever possible, pat-down searches should be performed by officers of the same sex.

#### **B. Procedures for Performing a Pat-Down Search**

When reasonable suspicion justifies a pat-down search, the search should be performed with due caution, restraint, and sensitivity. These searches may only be performed to protect the safety of officers and others and may never be used as a pretext for shaking down individuals or groups of individuals to obtain evidence or for other purposes. Pat-down searches should be conducted in the following manner:

1. Whenever possible, pat-down searches should be conducted by at least two officers, one who performs the search while the other provides protective cover.
2. Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position. Should an officer visually observe a weapon, however, a more secure search position may be used, such as the prone position.
3. In a pat-down search, officers are permitted only to feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item.
4. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item but instead place it out of the suspect's reach.
5. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

#### **C. Reporting**

If after conducting a field interview the officer has no basis for making an arrest, the officer should record the facts of the interview and forward the documentation to the appropriate reporting authority as prescribed by departmental procedure.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>SEARCH INCIDENT TO ARREST</b>		
<i>Effective Date:</i> <b>09/01/2007</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>6</b>	<i>Policy #</i> <b>6.30</b>	<i>Distribution:</i>
<i>References:</i> <i>Search and Seizure, Field interviews and Pat Downs</i> <i>Strip and Body Cavity Searches</i>		

## I. Purpose

The purpose of this policy is to establish guidelines for the search of a person placed under arrest and taken into custody.

## II. Policy

All persons placed under arrest shall be searched incident to arrest. Officers should inventory all property taken from an arrested person at the scene of the arrest when field conditions permit. Any criminal evidence discovered during the search of the arrestee's person will be seized and preserved in accordance with standing department procedures. Non-evidence items taken from the arrested person should be placed in plastic bags prior to transport.

Search incident to arrest is not a frisk based on reasonable cause, but instead a search following a lawful, custodial arrest based on probable cause.

If items of significant value or significant cash amounts are involved, the search and inventory should be witnessed by another Department member.

## III. Definitions

**46-5-102. Scope of search incident to arrest.** When a lawful arrest is effected, a peace officer may reasonably search the person arrested and the area within such person's immediate presence for the purpose of:

- (1) protecting the officer from attack;
- (2) preventing the person from escaping;
- (3) discovering and seizing the fruits of the crime; or
- (4) discovering and seizing any persons, instruments, articles, or things which may have been used in the commission of or which may constitute evidence of the offense.

**46-6-104. Method of arrest.** (1) An arrest is made by an actual restraint of the person to be arrested or by the person's submission to the custody of the person making the arrest.

**Custodial Arrest:** The Montana Supreme court has laid out three elements to formulate an arrest. 1) The authority to arrest; 2) Assertion of that authority; 3) Restraint of the person arrested.

**Frisk:** (Pat Down) A frisk is a pat down of outer clothing for weapons.

**Search:** A search is a prying into hidden places for that which is concealed. A search includes a thorough examination of a person or place for something concealed.

**Strip Search:** A search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces and the undergarments.

**Body-Cavity Search:** A search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach.

#### **IV. Procedure**

##### **A. General**

A reasonable search which may extend to the person and immediate surroundings of the arrested person may follow a valid arrest.

##### **B. Persons to be searched**

1. All persons arrested by members of the Department should be searched immediately after the arrest has been effected and prior to being placed in a police vehicle or facility.
2. Any criminal evidence discovered during the search of the arrestee's person should be seized and preserved in accordance with standing department procedures.
3. All personal non-evidence property removed from the arrested person should be placed in plastic bags prior to transportation.

##### **C. Scope of Search**

1. An officer making a search incident to an arrest may search the following permissible places:
  - a. The entirety of the person being arrested. This includes the clothing and pockets of the arrested person.
  - b. Closed containers located on the arrested person cannot be searched as part of a search incident to arrest.



- i. The exigency to protect the officer, prevent escape or discover the fruits of the crime ceases to exist when a container of some sort, e.g. cigarette pack, eyeglass case, tobacco case, purse, backpack, is removed from the arrested person following arrest.
- c. The area within the immediate control of the person being arrested into which the person might reach for a weapon or for evidence.
  - i. Once the arrested person is removed from within reach of the area this exception is extinguished.
  - ii. Closed containers located within the immediate control of the arrested person cannot be searched as part of a search incident to arrest.
  - iii. Under no circumstances can the officer search the trunk of the vehicle using a search incident to arrest rationale.
- d. The purpose of this search must be to:
  - i. Protect the officer.
  - ii. Prevent escape.
  - iii. Prevent the destruction of evidence.
- e. Evidence found in a lawful search incident to arrest can be used in any prosecution, not just the prosecution for which the defendant was arrested.

#### **D. Time and Place of search incident to arrest.**

A search incident to an arrest must occur in such a way that it and the arrest are part of a continuous uninterrupted transaction. Two things are necessary for this to occur:

- a. The search must be made as soon as practical after the arrest
- b. The search must be made at or near the place of arrest.

#### **E. Use of force**

An officer conducting a search incident to arrest is permitted to use only that degree of force that is reasonable and necessary.

- a. The use of excessive force during a search incident to arrest may invalidate the search.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>STRIP AND BODY CAVITY SEARCHES</b>		
<i>Effective Date:</i> <b>09/01/2007</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>09/01/2009</b>
<i>Chapter</i> <b>6</b>	<i>Policy #</i> <b>6.40</b>	<i>Distribution:</i>
<i>References:</i> <i>Search and Seizure</i>		

## I. Purpose

The purpose of this policy is to provide officers with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

## II. Policy

This department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of this agency's prisoner detention and holding facilities. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

## III. Definitions

**Strip Search:** Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, breasts and buttocks.

**Body Cavity Search:** Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.

## IV. Procedures

### A. Strip Searches

1. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to the following:

- a. The nature of the offense charged.
  - b. The arrestee's appearance and demeanor.
  - c. The circumstances surrounding the arrest.
  - d. The arrestee's criminal record, particularly past crimes of violence and narcotics offenses.
  - e. The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
  - f. Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.
2. Field strip searches of prisoners shall be conducted only in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk, and only in privacy with the explicit approval of a supervisory officer.
  3. Where articulable, reasonable suspicion exists to conduct a strip search, the arresting officer shall make a documented request for such action to the detention supervisor or other designated authority that clearly defines the basis for suspicion.
  4. When authorized by the supervising authority, strip searches may be conducted only in the following:
    - a. by specially trained and designated personnel.
    - b. in conformance with approved hygienic procedures and professional practices.
    - c. in a room specifically authorized for this purpose.
    - d. by the fewest number of personnel necessary and only by those of the same sex.
    - e. under conditions that provide privacy from all but those authorized to conduct the search.
  5. Following a strip search, the officer performing the search shall submit a written report to the supervisory authority that details, at a minimum, the following:
    - a. Date and place of the search.
    - b. Identity of the officer conducting the search.
    - c. Identity of the individual searched.
    - d. Those present during the search.
    - e. A detailed description of the nature and extent of the search.
    - f. Any weapons, evidence or contraband found during the search.

#### **B. Body Cavity Searches**

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed.

1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted upon the basis of a search warrant or an alternative course of action taken.
2. The officer shall consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others and/or the security of the detention center's operations.
3. If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause.
4. On the basis of a search warrant, a body cavity search shall be performed only by an authorized agency physician or by other medically trained personnel at the physician's direction.
5. For safety and security reasons, the search shall be conducted at the detention facility or other authorized facility and in the room designated for this purpose.
6. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.
7. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing law enforcement officer shall co-sign that report and comply with information requirements specified in item IV-A-5 of this policy.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>OBTAINING SEARCH WARRANTS</b>		
<i>Effective Date:</i> <b>12/01/2007</b>	<i>Original Date:</i> <b>12/01/2007</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>6</b>	<i>Policy #</i> <b>6.50</b>	<i>Distribution:</i>
<i>References:</i> <i>Search and Seizure General</i>		

## I. Purpose

It is the purpose of this policy to provide guidelines for obtaining & executing search warrants.

## II. Policy

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

## III. Definitions

**Search Warrant:** A written order, in the name of the state, signed by a magistrate or other judicial authority, authorizing law enforcement officers to conduct a search of a place (such as a house or vehicle) or person and also to seize evidence.

**Probable Cause:** A reasonable ground in fact and circumstance for a belief in the existence of certain circumstances (as that an offense has been or is being committed, that a person is guilty of an offense, that a particular search will uncover contraband, that an item to be seized is in a particular place, or that a specific fact or cause of action exists)

## IV. Procedures

A. Legal Requirements for a Search Warrant

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches. Officers conducting searches without a warrant – such as those noted below – bear the burden of proving that the search was reasonable. ***Therefore, officers should consider obtaining a search warrant whenever time and circumstances permit.*** Some exceptions to the search warrant requirement include the following.

1. **Searches Incident to Arrest.**

Searches of a person or the area within the immediate control of a person who has been lawfully arrested are permitted to secure weapons or evidence of a crime.

2. **Exigent Circumstances**

Officers may conduct searches when they believe that a person is in need of immediate assistance under life-threatening conditions, when immediate action is necessary to protect the public from harm

3. **Plain View**

First, the item to be seized must be in plain view and its incriminating character must also be "immediately apparent". Second, not only must the officer be lawfully located in a place from which the object can be plainly seen, but he or she must also have a lawful right of access to the object itself. *(Don't have to open a car door to get to it or enter a house to gain access to the item.)*

4. **Consent Searches**

A search may be conducted pursuant to consent without a warrant and without probable cause to obtain a warrant. The consent must be voluntary, freely and intelligently given by an appropriate party and the search must be limited to the terms of the consent. Written consent should be sought whenever reasonably possible.

B. Legal Basis for Seeking a Warrant

1. In order to obtain a search warrant, an officer must be able to show probable cause to believe that specific evidence, contraband or fruits of a crime may be found at a particular location.
2. Specific facts establishing probable cause shall be set forth with clarity and specificity. Officers shall not rely solely upon personal opinion or unauthenticated third-party information or hearsay. Such facts may be based on:

- a. personal observation/knowledge of the officer;  
or
  - b. information from a reliable source.
3. When informants are used – particularly confidential informants – the reliability of the informant and information provided shall be specified. Whenever possible, officers shall corroborate informant information.

### C. Affidavit Preparation

An affidavit supporting application for a search warrant shall be prepared on the designated agency form. The accuracy of the affidavit is vital to the validity of the search warrant; thus, officers shall ensure that the following information is clearly and completely specified.

Officers shall also use the Municipal Court Search Warrant template for the Municipal Court, the Justice Court template for a Justice of the Peace and a District Court template for a District Court Judge. However, if a District Court search warrant is completed and a District Court Judge is unavailable, a Justice of the Peace may sign the warrant. If this occurs, ensure the judge changes the signature block to reflect it was signed by a Justice of the Peace.

#### **1. Offense**

The offense shall be described with reference to the criminal code section where possible.

#### **2. Place or Thing to be Searched**

The place or thing to be searched shall be described with specificity, and officers shall ensure that the warrant includes the specific reference(s). Where premises are to be searched, the references should include:

- a. street number and apartment number if appropriate;
- b. physical description of the premises;
- c. legal description of the premises;
- d. name of owner or occupant;
- e. geographical location of the property
- f. map coordinates or distances from given reference points; and
- g. photographs, maps or diagrams that help to specify the location in question.

#### **3. Scope of the Search**

Only those things described in the search warrant can be seized. Therefore, the affidavit shall specify and officers shall ensure that the warrant includes the following:

a. All areas that officers desire to search shall be designated. In cases where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a “premises” search and it's “curtilage” and should identify any outbuildings such as garages, tool sheds or barns, where appropriate.

b. Motor vehicles known to be on the premises that may be searched should be specified.

c. The specific items to be searched for shall be detailed. Where the item may be dismantled (e.g. firearms), the warrant should authorize search for parts, pieces or components of that item.

d. Officers anticipating search of computers and related high-technology equipment shall consult a designated expert for appropriate language to use in the affidavit and procedures for seizure of hardware and software.

#### 4. Time and Method of Search

a. A search warrant may be served at any time of the day or night within ten (10) days from time of issuance.

b. All necessary and reasonable force may be used to serve a search warrant or to affect an entry into any building, property, or object to serve a search warrant.

c. The person serving the search warrant may reasonably detain and search any person on the premises being searched at the time of the search:

1. For self-protection
2. To prevent the disposal or concealment of any evidence, contraband or persons particularly described in the warrant.

d. Officers may request a “quick entry” provision in the warrant when they have reason to believe that adherence to the knock-and-announce rule would endanger their safety or the safety of others, would enable wanted persons to escape or would likely result in the destruction of evidence before entry can be made. (*Without this provision, officers must knock on the door announcing their presence and wait a reasonable amount of time prior to making entry to the residence*).

e. All search warrants for an occupied structure or vehicle will have an operational plan completed. The Operational Plan will include a risk assessment and be completed prior to the



execution of the warrant. The operational plan and risk assessment will be reviewed and approved by a supervisor.

See Appendix

f. Officers will notify supervisors of their intent to execute search warrants. Prior supervisory approval is necessary.

#### **5. Miscellaneous**

a. The wording of "Place to be Searched" and "Items to be Seized" must be the same on both the Application for Search Warrant and the Search Warrant itself.

b. Applicants shall make two copies of the Application for Search Warrant and have the Judge sign both. One is kept by the Court and the other is for Police Records and should be attached to the report.

c. Applicants shall make three copies of the Search Warrant and have the Judge sign all three. One for the court, one for the Defendant and the last one for Police Records (attached to the report).

#### **D. Review of the Warrant**

Unless prior approval is obtained from a supervisor, the County or City Attorney's office shall, if possible, review all search warrants prior to presentation to a judge.

A supervisor must review search warrants issued by judicial authorities to ensure all pertinent information set forth in the affidavit is accurate and complete, and that the warrant has been properly signed. Officers shall not attempt to serve any warrant that is known to contain substantive or administrative errors.

#### **E. Return on the Warrant**

If the warrant is not served within ten days then it must be returned to the Judge and specify on its face, "Not Served".

Once the search is complete, a Property Receipt must be completed detailing what evidence was seized. A copy of this receipt should be given to the defendant or left at the property if the owner is not present.

A Warrant Return needs to be completed detailing the evidence seized. Officers can attach a copy of the Property Receipt or type a list of the evidence seized. The Warrant Return needs to be received by the Judge "within a reasonable amount of time" (no later than ten days).

Applicant shall make two copies of the Warrant Return and have the Judge sign both (one to be kept by the Judge and one for Police Records). The return must be made before the judge who issued the warrant or, if the judge is absent or unavailable, before the nearest available judge.

#### F. Location of forms and templates

The required forms and document templates can be located on department computers in the "Templates" file. These forms include separate search warrant templates for both vehicles and premises in all three courts. Templates for the Warrant Return, Operation Plan and Risk Assessment are also available.

#### G. Telephonic Search Warrants

Prior to calling the judge, the application and search warrant will be completed.

By following the above search warrant SOP, MCA 46-5-222 allows for approval of search warrants over the phone, as long as the following conditions are met:

1. The judge must place the applicant under oath.
2. The application must be read verbatim and recorded by the judge.
3. The recording must be retained in the court records and be transcribed as soon as possible after the application is made. Since the warrant application is transcribed verbatim, the applicant should rehearse it prior to calling the judge.
4. The recording must include the time and date it was recorded.
5. If the judge approves the application, then the officer signs the warrant in both the judge and officer's name. The officer initials by the judge's name indicating it was the officer signing.
6. The judge, or judge's successor, must sign the warrant as soon as possible after it has been issued.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>USE OF FORCE</b>		
<i>Effective Date:</i> <b>03/01/2002</b>	<i>Original Date:</i> <b>12/12/2001</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>7</b>	<i>Policy #</i> <b>7.10</b>	<i>Distribution:</i>
<i>References:</i>		

## I. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force.

## II. POLICY

The Missoula Police Department recognizes and respects the value and integrity of each human life without prejudice to anyone. It is the policy of this agency that officers use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the lives of the officer and others.

This policy recognizes that the use of force by law enforcement officers requires continuous evaluation. Even at its lowest level, the use of force is a special responsibility. The purpose of this policy is to provide members of this department with guidance on the use of force.

## III. DEFINITIONS

*Deadly Force:* Force that is likely to cause death

*Forcible Felony:* Any felony which involves the use or threat of physical force or violence against any individual.

*Non-Deadly Force* – Any force other than that which is considered deadly force.

*Serious Bodily Injury:* Any injury which creates: 1) Substantial risk of death; 2) Causes serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ; 3) at the time of the injury, can reasonably be expected to result in serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ.

*Physical Force:* Physical force is defined as physical contact necessary to obtain lawful compliance or overcome resistance by another. Physical force may result from a variety of applications, including: 1) Chemical agents; 2) Taser; 3) K-9; 4) Impact Weapons; 5) Physical compliance holds.

Not all physical contact constitutes physical force.

## **IV. PROCEDURES**

### **A. Use of Deadly Force**

Law enforcement officers are authorized to use deadly force to protect the officer or others from what is reasonably believed to be a threat of imminent death or serious bodily harm.

### **B. Deadly Force Restrictions**

1. Officers may use deadly force to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.
2. Warning shots may be fired if an officer is authorized to use deadly force and only if the officer reasonably believes a warning shot can be fired safely in light of all circumstances of the encounter.
3. Decisions to discharge a firearm at or from a moving vehicle shall be governed by this use-of-force policy and are prohibited if they present an unreasonable risk to the officer or others.

### **C. Use of Non-Deadly Force**

1. Where deadly force is not a reasonable option officers may use only that level of force that is objectively reasonable to bring an incident under control.
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment that they have been trained to use to:
  - a. Protect the officer or others from physical harm;
  - b. Restrain or subdue a resistant individual;
  - c. Bring an unlawful situation safely and effectively under control.

Officers must have an understanding of, and appreciation for, the limitations of their authority, particularly with respect to overcoming resistance from those with whom they come in official contact. Just as law clothes officers with certain authority, so does it define the limits of that conferred authority.

## **V. USE OF FORCE POLICY AND THE LAW**

Since it is the law which confers authority on officers and which also limits the use of that authority, the law should also serve as the framework for the Department's policy statement on use of force. It is therefore the policy of this Department that officers should only use that force which is lawful under the circumstances when the force is employed. The law requires that the force be "reasonable under all the circumstances".

Hence, it is the policy of this Department that officers will use no more force than that reasonably called for, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident or person under control or to protect the officer or another from harm. The “perception” of the officer must also be reasonable; hence, “reasonableness of the force used” must be judged from the perspective of the reasonable officer on the scene at the time of the incident.

The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. As in other Fourth Amendment contexts, however, the “reasonableness” inquiry is an objective one: the question is whether the officer’s actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation (*Graham V Conner* 396-397).

While the 20/20 perspective of hindsight is useful for a variety of reasons, it is the objective reasonableness of the force employed at the time the officer must respond to the threat or incident confronting him, which will determine the lawfulness of the officer’s response.

Since no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate level force, if any, in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved.

Any application of force by a member of this Department must be judged by the “objective reasonableness” standard. The use of force equation must take into consideration the following factors and any others relevant to the reasonableness of the officer’s response:

- The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects).
- Influence of drug/alcohol or mental capacity.
- Presence of or proximity to weapons (including any object that could be used to inflict injury or death).
- Availability of other options (what resources are reasonably available to the officer under the circumstances).
- Seriousness of the suspected offense or reason for contact with the individual.
- Training and experience of the officer.
- Other relevant life experience (for example, but not limited to, military combat experience).
- Potential for injury to citizens, officers and suspect.
- Risk of escape.

- Relative timing of events, i.e. was the officer required to really make a “split-second” decision, or was there time for reflection and planning?
- The existence, and effect upon the officer, of psychological and physiological phenomena that frequently occur in sudden, violent or deadly encounters, such as fear, visual and auditory distortion or exclusion, “tunneling”, memory and sequencing distortion, time distortion and many others.
- Other exigent circumstance(s).
- Nothing in this policy requires an officer to actually sustain or unreasonably risk physical injury before applying reasonable force to affect arrest, overcome resistance, prevent escape, or defend himself or herself or the person of another.

It is recognized that officers are often required to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer’s decisions, choices and reasonable options.

While various levels of force exist, each officer is expected to respond with no more than that level of force which reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with the law.

Use Of Force Cycle: The cycle begins with the officer’s assessment of the threat level based on the suspect’s behavior and other factors. The officer’s level of response is based on that assessment, he/she then evaluates the results of his/her response and the need to escalate or de-escalate the force necessary to control the situation. The officer should continue to use the force cycle until such a time the officer feels the situation is under control.

(Please See Attached Use of Force Cycle)

## **VI. REPORTING THE USE OF FORCE**

Any use of physical force by a member of this Department shall be documented on a “Supervisor’s Use of Force Report”.

A supervisor shall be notified as soon as practical, following the application of physical force as defined by this policy. Any use of physical force by a member of this Department shall be documented in the following manner:

1. Call For Service narrative reports by all officers involved in the physical force application;
2. Supervisor’s Use of Force Report form, completed by the appropriate supervisor.
  - a. In instances where it appears to the supervisor that the use of force has or may have resulted in physical injury to either subjects or officers, the supervisor will fully document those conditions in a narrative attachment to the “Supervisor’s Use of Force Report” form. The narrative shall include

detailed information on the injuries, and any medical treatment that is completed including the name of the facility or medical personnel administering care, or offered to the subject and declined.

- b. In instances where force has been used, personnel should be aware of the value to document via photography the existence or lack of existence of injuries.

## **VII. POST CARE FOR USE OF FORCE SUBJECTS:**

Once a subject has been either properly restrained and/or brought under control the officer shall administer first aid to any injuries that he/she observes. The subject should be monitored for any effects that could be a result of a use of force application.

Medical assistance shall be obtained for any subject who has sustained injury, expressed a complaint of injury to an officer or who has been rendered unconscious as a result of a force application by an officer.

If a subject has been sprayed with a chemical agent the officer should care for the subject once they have been properly handcuffed or brought under control.

Steps should be taken to aid in the subject's recovery from chemical spray or exposure, as defined in Appendix.

## **VIII. CONCLUSION**

The decision to use force rests with each officer. While there is no way to specify the exact amount or type of force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

It is important that the officer continually assess the risk or threat and is prepared to escalate or de-escalate the level of force necessary based on the objective reasonableness standard.

- IX.** The Montana Code Annotated contains the primary sources of law governing police force.

### **Part 1**

#### **When Force Justified**

**45-3-102. Use of force in defense of person.** A person is justified in the use of force or threat to use force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force likely to cause death or serious bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or serious bodily harm to himself or another or to prevent the commission of a forcible felony.

History: En. 94-3-102 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-3-102.

**45-3-105. Use of force by aggressor.** The justification described in [45-3-102](#) through [45-3-104](#) is not available to a person who:

- (1) is attempting to commit, committing, or escaping after the commission of a forcible felony; or
- (2) purposely or knowingly provokes the use of force against himself, unless:
  - (a) such force is so great that he reasonably believes that he is in imminent danger of death or serious bodily harm and that he has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or serious bodily harm to the assailant; or
  - (b) in good faith, he withdraws from physical contact with the assailant and indicates clearly to the assailant that he desires to withdraw and terminate the use of force but the assailant continues or resumes the use of force.

History: En. 94-3-105 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-3-105.

**45-3-106. Use of force to prevent escape.** (1) A peace officer or other person who has an arrested person in his custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.

- (2) A guard or other peace officer is justified in the use of force, including force likely to cause death or serious bodily harm, which he reasonably believes to be necessary to prevent the escape from a correctional institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

History: En. 94-3-106 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-3-106.

**45-3-108. Use of force in resisting arrest.** A person is not authorized to use force to resist an arrest, which he knows is being made either by a peace officer or by a private person summoned and directed by a peace officer to make the arrest, even if he believes that the arrest is unlawful and the arrest in fact is unlawful.

History: En. 94-3-108 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-3-108.

### **Part 3**

#### **Obstructing Governmental Operations**

**45-7-301. Resisting arrest.** (1) A person commits the offense of resisting arrest if he knowingly prevents or attempts to prevent a peace officer from affecting an arrest by:

- (a) using or threatening to use physical force or violence against the peace officer or another; or



- (b) using any other means which creates a risk of causing physical injury to the peace officer or another.
- (2) It is no defense to a prosecution under this section that the arrest was unlawful, provided the peace officer was acting under color of his official authority.
- (3) A person convicted of the offense of resisting arrest shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

History: En. 94-7-301 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-301.

#### Part 4

#### Stop and Frisk

**46-5-401. Investigative stop.** In order to obtain or verify an account of the person's presence or conduct or to determine whether to arrest the person, a peace officer may stop any person or vehicle that is observed in circumstances that create a particularized suspicion that the person or occupant of the vehicle has committed, is committing, or is about to commit an offense.

History: En. 95-719 by Sec. 4, Ch. 513, L. 1973; amd. Sec. 8, Ch. 184, L. 1977; R.C.M. 1947, 95-719(1) thru (3); amd. Sec. 42, Ch. 800, L. 1991.

**46-5-402. Stop and frisk.** A peace officer who has lawfully stopped a person under [46-5-401](#) or this section:

- (1) may frisk the person and take other reasonably necessary steps for protection if the officer has reasonable cause to suspect that the person is armed and presently dangerous to the officer or another person present;
- (2) may take possession of any object that is discovered during the course of the frisk if the officer has probable cause to believe the object is a deadly weapon;
- (3) may demand the name and present address of the person; and
- (4) shall inform the person, as promptly as possible under the circumstances and in any case before questioning the person, that the officer is a peace officer, that the stop is not an arrest but rather a temporary detention for an investigation, and that upon completion of the investigation, the person will be released if not arrested.

History: En. 95-719 by Sec. 4, Ch. 513, L. 1973; amd. Sec. 8, Ch. 184, L. 1977; R.C.M. 1947, 95-719(4) thru (7); amd. Sec. 43, Ch. 800, L. 1991.

**46-6-104. Method of arrest.** (1) An arrest is made by an actual restraint of the person to be arrested or by the person's submission to the custody of the person making the arrest.

- (2) All necessary and reasonable force may be used in making an arrest, but the person arrested may not be subject to any greater restraint than is necessary to hold or detain that person.
- (3) All necessary and reasonable force may be used to affect an entry into any building or property or part thereof to make an authorized arrest.

History: En. 95-602 by Sec. 1, Ch. 196, L. 1967; R.C.M. 1947, 95-602; amd. Sec. 34, Ch. 800, L. 1991.

**46-6-216. Manner of arrest with warrant.** (1) When making an arrest pursuant to a warrant, a peace officer shall inform the person to be arrested of the officer's authority, the intention to arrest that person, the cause of the arrest, and the fact that a warrant has been issued for that person's arrest, except:

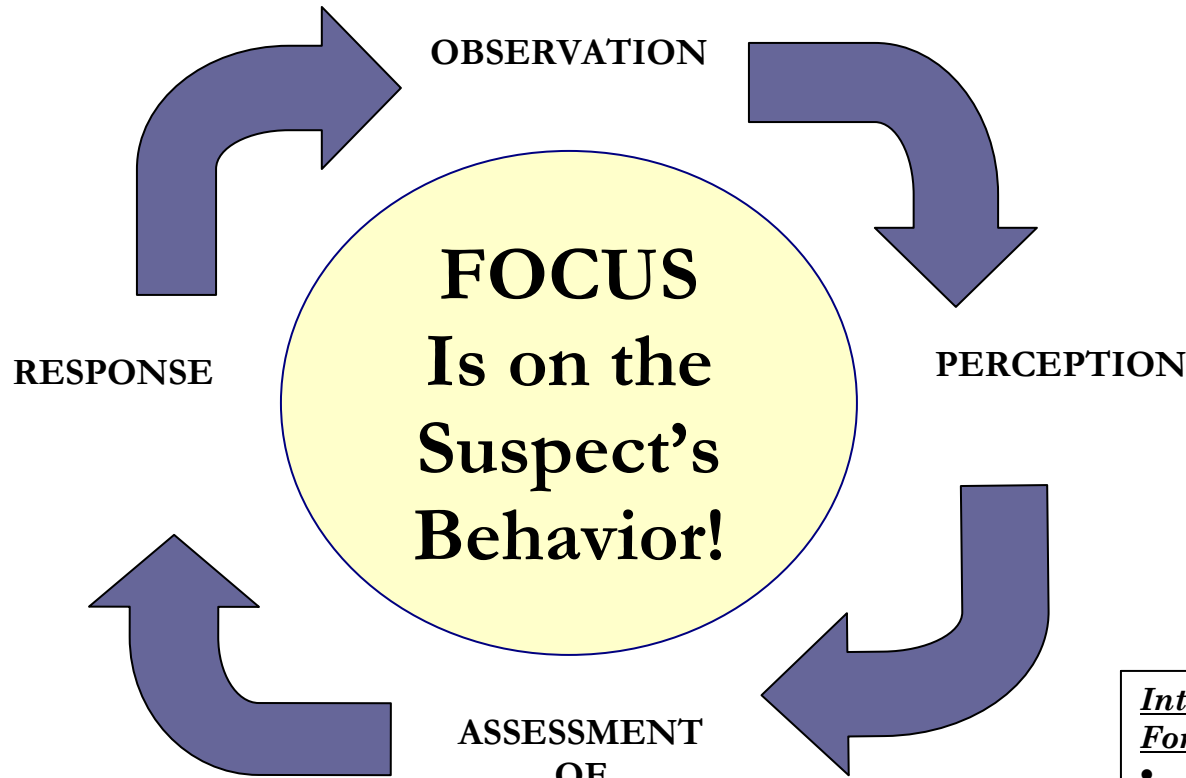
- (a) when the person flees or forcibly resists before the peace officer has an opportunity to  
inform the person; or
  - (b) when the giving of the information will imperil the arrest.
- (2) The peace officer need not have possession of the warrant at the time of the arrest, but after the arrest, the warrant must be shown to the person arrested as soon as practicable if the person requests.

History: En. 95-604 by Sec. 1, Ch. 196, L. 1967; R.C.M. 1947, 95-604; amd. Sec. 5, Ch. 116, L. 1979; amd. Sec. 31, Ch. 800, L. 1991; Sec. 46-6-203, MCA 1989; redes. 46-6-216 by Code Commissioner, 1991.

**46-6-312. Manner of arrest without warrant.** A peace officer making an arrest without a warrant shall inform the person to be arrested of the officer's authority, of the intention to arrest that person, and of the cause of the arrest, except when the person to be arrested is actually engaged in the commission of or in an attempt to commit an offense or is pursued immediately after its commission, after an escape, or when the giving of the information will imperil the arrest.

History: En. 95-606 by Sec. 1, Ch. 196, L. 1967; R.C.M. 1947, 95-606; amd. Sec. 33, Ch. 800, L. 1991; Sec. 46-6-106, MCA 1989; redes. 46-6-312 by Code Commissioner, 1991; amd. Sec. 6, Ch. 262, L. 1993.

# THE USE OF FORCE CYCLE



Lethal Force

- Pistol
- AR-15 Rifle
- Patrol Vehicle

Impact Weapons

- Asp Baton
- PR-24
- Flashlight
- Bean Bag Rds.
- Pepperball System (Direct Application)

Swarm

Intermediate Force Options

- O.C. Spray
- Taser
- Pepperball System (Indirect Application)

Physical Compliance

- Pain Compliance Holds
- Handcuffing
- Come Along Holds
- Physical Contact

Verbal

- Requests
- Commands

Presence

**RULES OF ENGAGEMENT™**

(Escalation & De-Escalation)

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# The Use of Force Cycle

OBSERVATION

## LEVELS OF RESISTANCE

**STATIC:** Threat refuses to comply by balking, becoming dead weight, and/or grasping a solid structure.

**ACTIVE:** Threat physically resists by pulling away, attempting to escape, or powering through a control hold.

**OMINOUS:** Threat displays menacing behavior, or assaults (bites, pushes, strikes, etc.), or attempts to assault.

**LETHAL:** Any force, under the circumstances in which it is used, that is readily capable of causing serious physical injury or death.

PERCEPTION

RESPONSE

ASSESSMENT  
OF  
RISK OR THREAT  
(“Vulnerability Awareness”)

Swarm

Physical  
Compliance

Lethal Force

Presence  
Impact  
O.C. Spray

Verbal Requests  
& Commands

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>USE OF FORCE - TASER</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>08/31/2004</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>7</b>	<i>Policy #</i> <b>7.20</b>	<i>Distribution:</i>
<i>References:</i> <i>Use of Force; Supervisors' Use of Force Report</i>		

## I. PURPOSE

The purpose of this appendix is to establish guidelines for the use of electro-muscular disruption devices, in particular the X26 Taser.

## II. POLICY

The Missoula Police Department will issue an X26 Taser to officers to provide an additional use of force option. Missoula Police Officers will only carry the specific model and brand of Taser device that is authorized by the department and was purchased and issued by the department. Officers issued a Taser are required to complete department approved training.

Officers authorized to carry the Taser who have completed the training will be required to carry the Taser as part of their uniform, unless exempted by a department staff member. This includes events outside the normal course of business where the officer is required to wear his uniform. The Taser will be carried in a manner consistent with the training and in holsters provided and/or approved by the Division captain and the Taser program.

## III. PROCEDURES

- A. Use of a Taser weapon is considered a use of force and shall be employed in a manner consistent with the Missoula Police Department policy on Use of Force.
- B. Unless it is impractical, unreasonable, or dangerous to do so, a verbal warning should be given before a Taser is employed.
- C. A Taser weapon may be used where:
  - 1. Verbal dialogue has failed to bring about the subject's compliance,

### AND

- 2. The subject has signaled his intention to actively resist the officer's efforts to make the arrest.

- D. Lacking articulable exigent circumstances, a Taser weapon should not be used when:
  - 1. The subject is obviously pregnant, or
  - 2. The subject is elderly or obviously infirmed, or
  - 3. The subject is a child, or
  - 4. The subject is handcuffed.
- E. Once a subject complies with and remains compliant to the officers' requests, orders or physical arrest, the use of a Taser weapon is no longer justified.
- F. Repeated Taser cycles should be avoided. All officers should use the taser cycle as an opportunity to begin to gain control of the subject's limb(s) to avoid further resistance.
- G. If a Taser is used in a critical incident, officers should seize the Taser and the used cartridge (including the probes, wires and AFIDs) as evidence after photographing the scene.

#### **IV. EFFECTS OF TASER WEAPON**

The effects of Taser are temporary. There are no long term effects associated with Taser. Most effects, if not all, will cease at the end of the 5 second deployment or when the officer stops pulling the trigger.

#### **V. SUPERVISORY NOTIFICATION**

- A. The Shift Commander will be notified after each Taser deployment and will respond to the scene. The Shift Commander will assist in the decisions in regards to the need for medical assistance in regards to a Taser deployment.

#### **VI. POST CARE**

- A. Immediately after Tasing a subject, officers shall be alert to any indications that the individual needs medical care. This includes, but is not limited to, breathing difficulties, profuse sweating, and loss of consciousness. If any of these symptoms are present, or if the subject requests medical assistance, the officer shall immediately summon emergency medical aid or transport the person to the hospital. The officer also needs to be aware of injuries that may have occurred as a result of falling during a Taser deployment and may require medical attention.
- B. Once the subject has been properly handcuffed, he/she should be cared for. While no medical attention should be necessary to eliminate the product's effects, the following steps will aid in the subject's recovery:

1. If probes are lodged in the skin they should be removed by the officer if they are not in sensitive tissue areas such as neck, throat, face, groin or female breast. **If the probes are in a sensitive tissue area the probes will be removed by EMS or Emergency room staff.**
2. Photograph puncture wounds, and any other injuries that occurred as a result of the Taser deployment.
3. Treat puncture wounds with alcohol or iodine swipe and bandage if necessary.
4. Carefully place probes in expended cartridge and collect for evidence if needed.
5. **Always use the same precautions as needles or knives contaminated with biohazards when handling probes.**

## **VII. REPORTING PROCEDURES**

- A. When an officer uses a Taser weapon in the line of duty, the incident shall be documented in the manner, which is consistent with the Department's overall Use of Force policy, before leaving shift and the report will be forwarded to the division captain.

## **VIII. PROGRAM MAINTENANCE**

- A. The Taser program shall be monitored and maintained by the designated Taser instructors, unless otherwise designated by the Patrol Division Captain. The monitoring and maintenance will minimally include: review of all Taser deployments for training issues, the record keeping of all Tasers and cartridges, the monitoring of expiration dates of cartridges and batteries, periodically downloading data from each Taser, the training and certification of the officers authorized to carry the Taser, and the maintenance of the department's inventory of Taser supplies.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



*Subject:*

## USE OF FORCE – LESS LETHAL MUNITIONS

*Effective Date:*

**08/31/2004**

*Original Date:*

**12/12/2001**

*Next Review:*

**12/01/2009**

*Chapter*

**7**

*Policy #*

**7.30**

*Distribution:*

*References:*

*Use of Force;*

### I. Purpose

The purpose of this appendix is to establish guidelines for the use of less lethal munitions by Police Officers of the Missoula Police Department, as a use of force tool.

### II. Policy

The Missoula Police Department authorizes the use of less lethal munitions to provide officers with an additional use of force option. Missoula Police Department Officers are allowed to use the less-lethal munitions that are authorized by the department only after completing training from a certified instructor.

### III. Definition

For the purpose of this policy, Less Lethal Impact Projectiles are those munitions that can be fired, launched or otherwise deployed for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential of causing death. Examples of less lethal impact projectiles include high and low velocity beanbag rounds, wooden baton rounds, Pepperball projectiles, rubber pellets and foam/rubber baton rounds that can be fired with a 12-gauge shotgun, 37 MM or Pepperball system.

### IV. Procedure

- A. The use of less lethal munitions is considered a use of force and shall be employed in a manner consistent with the Missoula Police Department's policy pertaining to the use of force.
- B. Less lethal munitions may be used where:
  - 1. The subject has signaled their intention to harm an officer, another person or themselves, or to actively resist arrest.
  - 2. To bring an unlawful incident under control where other use of force options are impractical or ineffective.



- C. Unless impractical, unreasonable or dangerous to do so, a verbal warning should be given before less lethal munitions are deployed.
- D. Once the suspect is compliant, the use of less lethal munitions is no longer justified.

**V. Effects/Potential for injury of less lethal munitions**

- A. Immediately after employing less lethal munitions and the suspect is no longer a threat, officers shall be alert to any possible injuries that require medical attention. Injuries that can occur with the application of less lethal munitions include, but are not limited to abrasions, bruising, broken bones, internal organ damage, tendon or ligament damage or death.
- B. If an injury appears to require medical attention, that medical attention shall be summoned immediately from trained medical personnel. Officers at the scene shall provide any first aid that the officers are qualified to provide.

**VI. Training**

- A. Officers must complete a 2 hour block of instruction from a certified instructor of less lethal munitions, prior to employing the less lethal munitions in an official capacity. Officers are required to attend a re-certification class on the use of less lethal munitions once a year conducted by the Missoula Police Department.
- B. Classes will include:
  - 1. Classroom presentation
  - 2. Criminal and civil liabilities
  - 3. Review of the department's Use of Force policy
  - 4. Critical areas of the body to be avoided when using the less lethal munitions distances less lethal munitions should be used.

**VII. Inventory Control**

- A. Inventory and periodic inspection of less lethal munitions, their carrying case and the firearm designated to deliver the projectile, will be done by personnel who are departmentally trained and appointed by the Division Captains and/or the Tactical Commander.

**VIII. Reporting Procedures**

- A. When an officer uses less lethal munitions in the line of duty, the incident shall be documented in a manner consistent with the requirements of the Use of Force policy. The report will be forwarded to the Division Captain.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>USE OF FORCE – OLEORESIN CAPSICUM</b>		
<i>Effective Date:</i> <b>10/8/2004</b>	<i>Original Date:</i> <b>12/12/2001</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>7</b>	<i>Policy #</i> <b>7.40</b>	<i>Distribution:</i>
<i>References:</i>		

### I. PURPOSE

The purpose of this appendix is to establish guidelines for the use of oleoresin capsicum (OC) aerosol restraint spray and Pepperball powder.

### II. POLICY

The Missoula Police Department issues OC aerosol restraint spray to provide officers with an additional use of force option. Missoula Police Department Officers will only carry this restraint spray as authorized by the department. Officers that carry OC will be required to attend a 90-minute block of instruction. This instruction will include classroom presentation and hands-on use of this agent.

### III. PROCEDURES

- A. OC is considered a use of force and shall be employed in a manner consistent the Missoula Police Department policy on Use of Force.
- B. Unless it is impractical, unreasonable, or dangerous to do so, a verbal warning should be given before OC is employed.
- C. OC may be used where:
  1. Verbal dialogue has failed to bring about the subject's compliance, **AND**
  2. The subject has signaled his intention to actively resist the officers' efforts to make the arrest.
- D. Once a suspect is compliant, the use of OC is no longer justified.

### IV. EFFECTS OF OLEORESIN CAPSICUM

The effects of OC are temporary. The effects will wear off in approximately 30-45 minutes. However, attempts should be made to relieve the discomfort of the individual who has been exposed as soon as reasonably possible under the circumstances.

## **V. POST CARE**

- A. Immediately after spraying a subject, officers shall be alert to any indications that the individual needs medical care. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. If any of these symptoms are present, or if the subject requests medical assistance, the officer shall immediately summon emergency medical aid.
  
- B. Once the subject has been properly handcuffed, he/she should be cared for. While no medical attention should be necessary to eliminate the product's effects, the following steps will aid in the subject's recovery:
  - 1. Remove the subject from the contaminated area.
  - 2. Reassure the subject that the effects of the product are temporary and discomfort will diminish in a short period of time if the subject does not fight it.
  - 3. Where possible, flushing the subject's face with water or applying a wet towel will expedite the recovery. Bottled water or saline solution may be used if available.
  - 4. The officer and subject should avoid touching their eyes, nose, mouth and other sensitive skin areas until able to wash their hands.
  - 5. Assistance shall be offered to any individual accidentally exposed to OC who feels the effects of the agent.

## **IV. REPORTING PROCEDURES**

- A. When an officer uses OC in the line of duty, the incident shall be documented, which is consistent with this policy, before leaving shift and the report will be forwarded to the division captain.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>OFFICER INVOLVED SHOOTING - CRITICAL INCIDENTS</b>		
<i>Effective Date:</i> <b>12/01/2006</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>7</b>	<i>Policy #</i> <b>7.80</b>	<i>Distribution:</i>
<i>References:</i>		

### I. Purpose

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer-involved shooting incident or critical incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

While the purpose is to address shooting incidents, this policy may be applied to other high risk or traumatic incidents involving officers, such as serious vehicle crashes, exposure to mass casualty scenes, etc.

### II. Policy

Law enforcement duties can often 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 such stress disorders. It is the responsibility of this agency to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it shall be the policy of this agency to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel.

### III. Definitions

**Post-Traumatic Stress Disorder:** An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and milder stress.

**Officer-involved shooting incident:** A line-of-duty incident involving purposeful discharge of a firearm, especially where shooting causes death or serious bodily injury to an officer or other person.

**Other traumatic incidents:** any in line-of-duty incident where an officer is exposed to unusual levels of stress or trauma.

## IV. Procedures

### A) Handling officers at scene of incident

- 1) A supervisor shall be immediately dispatched to the scene of the incident, and shall assume primary responsibility of caring for involved personnel.

The Chief of Police and/or on-call Staff Officer will be immediately notified and respond to the incident if deemed appropriate. The Chief of Police and/or on-call Staff Officer will assist the Shift Commander in determining if the Missoula County Sheriff's Office will be summoned to take charge of the investigation.

- 2) The supervisor shall make appropriate arrangements for all necessary medical treatment of injuries if not already tended to.
- 3) During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer will be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive friend or officer should remain with the officer(s), but will be advised not to discuss details of the incident.

On officers' personal emergency data sheets maintained in personnel files, names of supportive offices and friends will be maintained for such purposes. (These are in locked files in the ACOP's office.)

- 4) The supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible and be taken to a quiet, secure and private setting.
- 5) As soon as possible, the supervisor will meet with the involved officers.
  - a) No caffeine or other stimulants or depressants should be given to the officers unless administered by medical personnel.
  - b) Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed questioning will be conducted as a course of the investigation.
  - c) Any standard investigation that will occur concerning the incident should be discussed with the officers. Include that the investigation may be handled by an outside law enforcement agency, that samples of the officer's blood and urine may be taken as evidence, etc.
  - d) The officers should be advised that they may seek legal counsel.

- e) The officers should be advised not to discuss the incident with anyone except a personal or agency attorney, investigating agency detective, department investigator, or union representative until the conclusion of the preliminary investigation.
  - 6) The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken as evidence. In all incidents where the officer fired the weapon, this will be standard.
    - a) Take custody of the officer's weapon and spare clips in a discrete manner.
    - b) Replace it with another weapon and clips.
  - 7) Involved officers should notify their families about the incident as soon as possible. When an officer is unable to do so, an agency official shall personally notify his family and arrange for transportation as needed. Support officers and/or friends named on the emergency data sheet may be used here too.
  - 8) At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
  - 9) The involved officer and family members need to be advised that the time frame before the involved officer is finished with preliminary requirements following the incident may be several hours at a minimum.
- B) Post-Incident Procedures
- 1) Directly involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigations.
  - 2) All officers directly involved in the shooting incident shall be required to meet with the agency designated specialists (psychologists) for counseling and evaluation as soon as practical after the incident. Arrangements for the appointment will be made by the Administrative Captain. After the counseling sessions, the specialists shall advise the department:
    - a) Whether it would be in the officer's best interest to be placed on administrative leave or light duty, and for how long.
    - b) What will be the best continued course of counseling.
  - 3) Any agency investigation of the incident will be conducted as soon and as quickly as practical.

- a) Involved officers and involved support personnel will attend all debriefings as directed.
  - 4) A department staff representative will brief other department members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the officer involved their concern.
  - 5) All personnel involved in a shooting incident will be advised they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated department spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
  - 6) In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
    - a) In some cases, the involved officer may want to stay with a friend or relative for a few days. The involved officer will always keep the department advised of their location during the initial time period.
  - 7) Officers directly involved in the shooting incident shall be required to re-qualify with their temporary weapon as soon as practical.
    - a) Upon the return of the involved officer's assigned weapon, another re-qualification will take place.
  - 8) Family members of the involved officer are strongly encouraged to take advantage of available counseling and/or support services through the EAP.
- C) Daily Stress Recognition
- 1) 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.
  - 2) The Chief of Police may order an officer to seek assistance from mental health specialists upon a reasonable belief that the stress may be disrupting the officer's job performance.
- D) Miscellaneous
- 1) While this policy specifically addresses shooting incidents, its applicability and intent may apply to other types of incidents resulting in major trauma or emotional distress of officers.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>USE OF FORCE REVIEW BOARDS</b>		
<i>Effective Date:</i> <b>1998</b>	<i>Original Date:</i> <b>1998</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>7</b>	<i>Policy #</i> <b>7.90</b>	<i>Distribution:</i>
<i>References:</i>		

## DEADLY FORCE REVIEW BOARD

Any incident which is of such a nature that an officer prepares to use deadly force by drawing a sidearm or arms himself with a shotgun or rifle, a report will be written documenting the facts surrounding the incident.

The Shift Commander shall review the reports, either desk reports or offense report.

Whenever an incident occurs, which is of such a nature that deadly force is used or a weapon discharged, a report will be written by each officer involved in the incident.

If deadly force results in death or injury, the Chief, Assistant Chief, and Division Captain will be notified. In turn, the City and County Attorneys will be notified and a request made for an investigation by another law enforcement agency.

The Chief of Police will appoint a four-member Shooting Review Board composed of officers from this Department to inquire into the facts surrounding any incident which results in the discharge of a weapon.

The purpose of the Shooting Review Board is to make recommendations which may reduce any future possibility for the need to use deadly force.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>FIREARMS</b>		
<i>Effective Date:</i> <b>08/15/2006</b>	<i>Original Date:</i> <b>08/01/2002</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>8</b>	<i>Policy #</i> <b>8.10</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to provide officers with guidelines for the proper training and use of department authorized firearms.

## II. Policy

The Missoula Police Department shall provide a basic firearms training program for all officers. Officers shall be required to complete this program and to qualify with their weapon prior to carrying the weapon on duty.

## III. Definitions

*Department Authorized Firearms:* Any weapon authorized for duty or off-duty use covered by this policy to be carried and/ or used by an officer.

*Service Pistol:* Sidearms specifically purchased and issued to officers in performance of their duties.

*Off Duty Weapons:* Firearms that are specifically authorized for off-duty use in a concealed manner.

*Secondary Weapons:* A firearm utilized as a secondary or backup weapon to be carried and/or used while on duty.

## IV. Procedures

A. All operational officers, whether in uniform or plain clothes, are required to carry or wear a service pistol whenever on duty. The weapon will be carried in a manner appropriate to the assignment. Service pistols authorized for issue and carry by officers include the Beretta Model 96 F, the Beretta Model 8040 Cougar, the Glock models 22, 23 or 27 all in the 40 caliber S&W.

B. Authorized holsters for uniformed officers are the department issued holster or a factory manufactured holster with Level Two retention capability specifically designed for the issued service pistol.

C. Light and/or laser attachments for service pistols or other department authorized firearms must be approved by the firearms committee and must be able to be secured in the authorized holster without removing the attachment. Lights are for target illumination only, not an aiming device. Laser attachments require sighting in (zeroing) before duty use.

D. Plain-clothes officers may carry their service pistol or department authorized firearm in a manner approved by the appropriate division commander.

E. Alternate Firearms:

1. Officers in special duty assignments may receive authorization from the Chief of Police or his designee to carry alternate firearms while on duty or while deployed as a member of a Special Team.
2. All requirements for qualification with alternate firearms remain the same as department issued weapons.

F. Secondary Weapons:

1. Officers may carry a secondary or backup weapon after demonstrating proficiency with the firearm. The officer must provide their own ammunition during this proficiency, which is in accordance with standards established by the Missoula Police Department Firearm's committee. Officers must then obtain written authorization from the Chief of Police or his designee in order to carry the secondary weapon while on duty. All maintenance and care of this weapon will be the responsibility of the officer.
2. Approved and authorized secondary weapons are to become the primary weapon used by an officer only under extraordinary circumstances.

G. Off-Duty Weapons:

1. Under Montana Statutes, police officers are exempt from being required to possess a concealed weapons permit when carrying a concealed weapon under the color of their authority. When carrying a weapon (concealed and other than the department issued service pistol) in an off duty status, under the above criteria, the officer must have the prior approval by the Chief of Police or his designee and have met the qualification standards of secondary weapons as described above.
2. When working in an off-duty status (non-uniform, not department approved) the department issued service pistol may only be carried when specifically authorized by the Chief of Police or his designee. In all other cases of off duty employment, the officer must provide their own approved/authorized weapon and have successfully demonstrated the required proficiency with that firearm.

## H. General Rules and Behavior:

1. Any discharge of a firearm other than at an approved pistol range may result in temporary reassignment of the individual during the subsequent investigation. This reassignment will be administrative and does not connote improper or illegal use of a firearm. The reassignment will be made by the Chief of Police or his designee.
2. An officer will be subject to disciplinary action should the discharge or public display of a firearm involve:
  - a. A violation of law
  - b. A violation of Police Department policy relating to the discharge or display of firearms
  - c. A wanton disregard of public safety, and
  - d. An act or misconduct including, but not limited to:
    - 1) Being under the influence of alcohol or drugs
    - 2) Unjustified display of authority
    - 3) Use of official position for personal advantage
    - 4) Accidental discharge of a firearm through careless or misbehavior
3. Maintenance of duty weapons will be the responsibility of the department.
  - a. No work will be performed on the service pistol or department owned weapon by any person other than a department certified armorer or factory authorized repair person.
  - b. Care and cleaning of the service pistol is the responsibility of the officer.
4. Officers will only carry/use firearms that they have been trained and qualified with.
  - a. Qualifications:
    - 1) Officers are required to qualify twice a year in a departmental firearms program.
    - 2) Officers who carry secondary weapons are required to demonstrate their proficiency with the weapon yearly.

b. Failure to Qualify:

- 1) Step #1 - Should an officer fail to qualify, that officer will not be authorized for operational assignment. That officer's supervisor will be notified and that officer will be reassigned to administrative duties at the direction of the division commander. The officer will then be scheduled for remedial training for the next working day of that officer, which will consist of a ten-hour block of training which will include, but not limited to:-
  - a) firearms safety
  - b) basic shooting mechanics
  - c) individual problems
  - d) practice on departmental courses
  - e) one re-qualification
- 2) Step #2 - Should there be a subsequent failure to qualify after one session of remedial training, that officer will remain on administrative duties. A second session of remedial training will be scheduled for the next working day of that officer. This training will include the same topics covered in the first remedial training.
- 3) Step #3 - Should there be a third failure to qualify after the second remedial training, disciplinary action may be taken.
- 4) Step #4 - At the conclusion of disciplinary action, a third remedial training session will be scheduled for that officer. If there is a fourth failure to qualify after a third remedial training session, that officer's ability to perform as a police officer will be evaluated. Recommendation from the Firearm's Committee at this point will be referred to the division commander for further disciplinary action.
- 5) Should a qualifying score be achieved after any step in remedial training, that officer will be deemed fit for duty. Thirty (30) days later that officer will again shoot the departmental qualification course for a qualifying score to show that they have maintained a level of firearms proficiency. No warm up shots will be allowed during this shoot. Should there be a failure to qualify at this point, that officer will return to step one of remedial training. Officers will be allowed only one repeat of steps one through four of remedial training before disciplinary action is taken. If there is a failure to qualify after one repeat of steps one through four of remedial training, termination of that officer will be referred by the Firearm's Committee to the Chief of Police.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



**Subject:**

**EMERGENCY VEHICLE EQUIPMENT AND OPERATIONS**

**Effective Date:**

**06/13/2002**

**Original Date:**

**06/13/2002**

**Next Review:**

**12/01/2009**

**Chapter**

**9**

**Policy #**

**9.10**

**Distribution:**

**References:**

*Vehicle Pursuits; Use of Force*

## I. Purpose

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

## II. Policy

It is the purpose of this policy to ensure that all members of the Missoula Police Department adhere to Montana state statutory restrictions on the use of emergency warning devices and that such devices are employed only in prescribed conditions and circumstances and in ways that will minimize the risk of crashes or injuries to employees or the public.

## III. Definitions

*Emergency Vehicle:* An authorized law enforcement vehicle equipped with emergency lights, siren and other emergency warning devices required by law and used for emergency response situations.

*Emergency Warning Devices:* Devices placed in/on each agency emergency vehicle that emit audible or visual signals in order to warn others that law enforcement services are in the process of being delivered.

*Response Mode:* Shall relate to the response of an emergency vehicle, either by the use of audible or visual emergency signals, a combination of these signals or neither one.

**Code 1:** Shall mean a response by officers with obedience to all traffic laws. (No emergency equipment in use.)

**Code 2:** Shall indicate emergency lights are utilized, but the siren is not in use. In this case, officers responding will use the utmost caution if exceeding the speed limit and/or not adhering to traffic control devices. Officers shall be governed in their operation of police vehicles by Montana Code Annotated section 61-8-107 and 61-9-402.

**Code 3:** Shall be full use of all emergency warning devices, (lights/sirens), and officers shall be governed in their operation of police vehicles by MCA section 61-8-107 and 61-9-402.

**MCA 61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command vehicles -- immunity.**

- (1) A police vehicle must be equipped with a siren capable of giving an audible signal and may be equipped with alternately flashing or rotating red or blue lights as specified in this section. The use of signal equipment as described in this section imposes upon the drivers of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation.
- (2) An authorized emergency vehicle must be equipped:
  - (a) with a siren and an alternately flashing or rotating red light as specified in this section; and
  - (b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight.
- (3) A bus used for the transportation of school children must be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights must be as prescribed by the board of public education and approved by the department.
- (4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must, be equipped with alternately flashing or rotating amber lights as specified in this section.
  - (a) The use of signal equipment as described in this section imposes upon the drivers of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation subject to the provisions of [61-8-209](#) and [61-8-303](#).
  - (b) An employee, agent, or representative of the state or a political subdivision of the state or of a fire department who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle and using signal

equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of subsection (4)(a).

- (5) Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. Except as provided in [61-9-204\(6\)](#), only police vehicles as defined in [61-1-118](#) may display blue lights, lenses, or globes.
- (6) A police car and authorized emergency vehicle may be equipped with a flashing signal lamp that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green light must have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control vehicle may display green lights, lenses, or globes.
- (7) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights.
- (8) A violation of [61-9-402\(4\)\(a\)](#) is considered reckless endangerment of highway workers, as provided in [61-8-315](#), and is punishable as provided in [61-8-715\(2\)](#).

History: En. Sec. 129, Ch. 263, L. 1955; amd. Sec. 1, Ch. 40, L. 1959; amd. Sec. 1, Ch. 250, L. 1965; amd. Sec. 4, Ch. 153, L. 1975; R.C.M. 1947, ; amd. Sec. 1, Ch. 361, L. 1985; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 116, Ch. 370, L. 1987; amd. Sec. 27, Ch. 431, L. 1997; amd. Sec. 5, Ch. 520, L. 1999.

## **MCA 61-8-107 Police vehicles and authorized emergency vehicles.**

- (1) The driver of a police vehicle or authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (2) The driver of a police vehicle or authorized emergency vehicle may:
  - (a) park or stand, irrespective of the provisions of this chapter;
  - (b) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - (c) exceed the speed limits so long as he does not endanger life or property;
  - (d) disregard regulations governing direction of movement or turning in specified directions.
- (3) The exemptions granted to a police vehicle or authorized emergency vehicle apply only when the vehicle is making use of an audible or visual signal, or both, meeting the requirements of [61-9-402](#).
- (4) The foregoing provisions shall not relieve the driver of a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

**History:** En. Sec. 25.1, Ch. 263, L. 1955; amd. Sec. 1, Ch. 169, L. 1957; amd. Sec. 2, Ch. 153, L. 1975; R.C.M. 1947, 32-2128; amd. Sec. 1, Ch. 11, L. 1981.

### **IV. Procedures**

- A. Assigning/Determining Response Modes to Calls for Service
  1. Shift Commanders are responsible for monitoring response modes for calls for service and shall have the authority to downgrade or upgrade response modes and/or to terminate the pursuit.



- B. Use of Emergency Warning Devices While in Emergency Response Mode.
  - 1. During an emergency response, emergency lights and/or siren and other emergency signal devices shall be activated as required by law.
  - 2. When responding in an emergency response mode, emergency signal devices may be deactivated at a distance from the scene, (to be determined by the vehicle operator) so as to not alert subjects to law enforcement proximity.
  - 3. When emergency signal devices are deactivated, the operator of the emergency vehicle shall comply with all traffic laws and proceed in a manner consistent with normal traffic flow.
  - 4. The spotlight is primarily utilized to facilitate building and stationary vehicle checks and shall not be directed at the windshield or vision of oncoming traffic.
- C. Use of emergency warning devices while conducting traffic stops.
  - 1. 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, during the duration of the stop.
- D. Discretionary use of emergency warning devices.
  - 1. Officers may activate emergency signal devices when required while responding to any perceived emergency.
  - 2. When involved in a pursuit, the officer shall advise communications personnel of the nature of the emergency and the emergency response mode that has been taken.
  - 3. Permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:
    - a. Using emergency lights as “beacons” to protect disabled motorists;
    - b. Using emergency lights when it is necessary to use agency vehicles as protective barriers;
    - c. Traffic stops
    - d. Operators of emergency vehicles shall deactivate emergency warning devices as soon as possible.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>VEHICULAR PURSUITS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>06/13/2002</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>9</b>	<i>Policy #</i> <b>9.20</b>	<i>Distribution:</i>
<i>References:</i> <i>Use of Force; Mutual Aid</i>		

## I. Purpose

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit.

## II. Policy

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the responsibility of the Missoula Police Department to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this agency to regulate the manner in which vehicular pursuits are undertaken and performed.

## III. Definitions

*Vehicular Pursuit:* An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

*Authorized Emergency Vehicle:* A vehicle of this agency equipped with operable emergency equipment as designated by state law:

### **MCA 61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command vehicles -- immunity.**

- (1) A police vehicle must be equipped with a siren capable of giving an audible signal and may be equipped with alternately flashing or rotating red or blue lights as specified in this section. The use of signal equipment as described in this section imposes upon the drivers of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation.
- (2) An authorized emergency vehicle must be equipped:
  - (a) with a siren and an alternately flashing or rotating red light as specified in this section; and

- (b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight...
- (4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must, be equipped with alternately flashing or rotating amber lights as specified in this section.
  - (a) The use of signal equipment as described in this section imposes upon the drivers of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation subject to the provisions of [61-8-209](#) and [61-8-303](#).
  - (b) An employee, agent, or representative of the state or a political subdivision of the state or of a fire department who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of subsection (4)(a).
- (5) Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. Except as provided in [61-9-204\(6\)](#), only police vehicles as defined in [61-1-118](#) may display blue lights, lenses, or globes.
- (6) A police car and authorized emergency vehicle may be equipped with a flashing signal lamp that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green light must have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control vehicle may display green lights, lenses, or globes.

- (7) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights.
- (8) A violation of [61-9-402\(4\)\(a\)](#) is considered reckless endangerment of highway workers, as provided in [61-8-315](#), and is punishable as provided in [61-8-715\(2\)](#).

**History:** En. Sec. 129, Ch. 263, L. 1955; amd. Sec. 1, Ch. 40, L. 1959; amd. Sec. 1, Ch. 250, L. 1965; amd. Sec. 4, Ch. 153, L. 1975; R.C.M. 1947, ; amd. Sec. 1, Ch. 361, L. 1985; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 116, Ch. 370, L. 1987; amd. Sec. 27, Ch. 431, L. 1997; amd. Sec. 5, Ch. 520, L. 1999.

*Primary Unit:* The police unit which initiates a pursuit or any unit which assumes control of the pursuit.

*Secondary Unit:* Any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

#### IV. Procedures

##### A. Initiation of Pursuit

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury or death.
3. In deciding whether to initiate pursuit, the officer shall take into consideration:
  - a. Road, weather and environmental conditions
  - b. Population density and vehicular and pedestrian traffic
  - c. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued.
  - d. The seriousness of the offense
  - e. The presence of other persons in the police vehicle
  - f. Visibility conditions
  - g. Speeds involved

## B. Pursuit Operations

1. All emergency vehicle operations shall be conducted in strict conformity with applicable traffic laws and regulations.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment, (audible and visual signals).
3. Upon engaging in pursuit, the officer shall notify communications of the location, directions and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The officer shall keep communications updated on the pursuit. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic and relay necessary information to other officers and jurisdictions.
4. When engaged in pursuit, officer shall not drive with reckless disregard for the safety of other road users.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel should not be active in the pursuit unless instructed to participate by a supervisor.
6. If a second police vehicle is involved, the secondary vehicle should take over communications with the dispatch so primary officer can concern themselves with driving.

## C. Supervisory Responsibility

1. When made aware of a vehicular pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used and shall have the discretion to terminate the pursuit.
2. Where possible, a supervisory officer shall respond to the location where a vehicle has been stopped following a pursuit.

## D. Pursuit Tactics

1. Officers shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic. Officers may move to strategic locations where intervention tactics, such as stop sticks, would most likely be effective and also where they can assist in the apprehension of fleeing suspects should the pursuit end.

2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage when a marked unit becomes available.
3. Motorcycles may be used for pursuit in exigent circumstance and when weather and related conditions allow. They shall disengage when support from marked patrol units becomes available.
4. Any intervention tactics, short of deadly force, such as use of stop sticks should only be used when it is possible to do so safely and when the officers utilizing them have received appropriate training in their use.
5. Decisions to discharge firearms at or from a moving vehicle, or to use roadblocks, shall be governed by this agency's use of force policy, and are prohibited if they present an unreasonable risk to bystanders. They should first be authorized, whenever possible, by a supervisor.
6. Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.
7. Tactics such as intentionally ramming a vehicle constitutes a use of force. Personnel will comply with use of force policy.

E. Termination of the Pursuit

1. The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary pursuit unit at any time.
3. A supervisor may order the termination of the pursuit at any time.
4. A pursuit may be terminated if the suspect's identity has been determined; immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.

F. Inter-jurisdictional Pursuits:

1. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.
2. When a pursuit enters this jurisdiction, the action of officers shall be governed by the policy of the officers' own agency. Prior to assisting another jurisdiction with a pursuit, officers will obtain approval from a supervisor.

**44-11-101. Mutual assistance authorized -- powers and duties of assisting officers.** A peace officer or any law enforcement entity of any county or municipality or a state government law enforcement entity may request the assistance of a peace officer from another law enforcement entity within the state of Montana. A peace officer, while in the jurisdiction of the requesting officer or entity and while on such request for assistance, has the same powers, duties, rights, privileges, and immunities as a peace officer of the requesting entity and is under the authority of the requesting officer or entity.

History: En. 11-1851 by Sec. 1, Ch. 337, L. 1977; R.C.M. 1947, 11-1851; amd. Sec. 1, Ch. 22, L. 1985.

G. After action reports

1. Whenever an officer engages in a pursuit, the officer shall file a written report detailing the circumstances. This report shall be critiqued by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies.
2. The department shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.
3. The supervisor shall complete an After Action Report discussing the successes and failures of the incident, along with any corrective actions taken. The After Action Report will be forwarded to the Division Captain.

H. Training

1. Officers who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



*Subject:*  
**CRASHES INVOLVING POLICE DEPARTMENT VEHICLES**

<i>Effective Date:</i> <b>12/1/2008</b>	<i>Original Date:</i> <b>12/4/2006</b>	<i>Next Review:</i> <b>12/1/2009</b>
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<i>Chapter</i> <b>9</b>	<i>Policy #</i> <b>9.30</b>	<i>Distribution:</i>
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*References:*

## **I. Purpose:**

The purpose of this policy is to provide members and employees of this agency with guidelines if involved in a crash of a department vehicle, incidental damage or malicious damage to a Department Vehicle.

## **II. Policy:**

The nature of the employees work creates an obligation to be attentive to the safe operation of the Department's motor vehicles and alert to any changes in road, weather or traffic conditions. When a crash occurs involving a department vehicle, it becomes the organizations obligation to ensure public trust in the investigation and determination of fault. To accomplish this, the department shall regularly ask an outside agency to investigate using the procedures in this policy.

## **III. Procedures:**

- A. All crashes or damage involving a Department vehicle will be reported to the on duty Shift Commander.
- B. If a crash results in damage to any vehicle or injury to any persons, the Shift Commander shall immediately request an investigation by the Montana Highway Patrol or appropriate agency having jurisdiction for the location of the crash
  1. If all vehicles involved are city vehicles or the property is city owned, the shift commander will be responsible for the investigation of the incident
  2. A police report will be completed by the officer/driver of the vehicle on all reports of damage or a crash no matter how minor the damage. The report will be completed before leaving the shift when the damage occurred unless it involves an officer-involved critical incident.
    - a. A copy of this report will be forwarded to the division Captain immediately.



- b. The shift commander shall request a copy of the investigating agencies report and findings be forwarded to the Division Captain.
    - c. If needed, Captain may require an additional City Accident Form.
3. Incidents involving high stress to a vehicle will be reported to the Shift Commander and a decision will be made in regard to removing the vehicle from service.
4. An officer involved in a crash shall make no accusations or statements concerning the cause of liability of the crash to the public.
5. If there is excessive vehicle damage or officer injury, the Shift Commander shall notify the Division Captain or call the On-Call Staff Officer. In event of serious injury or death the Chief of Police shall be notified immediately of the officer-involved critical incident.
6. A vehicle involved in a crash shall be removed from service until it can be inspected by vehicle maintenance personnel and deemed fit for duty.
  - a. If the damage is cosmetic only the vehicle maybe left in service at the discretion of the shift commander.
  - b. A damage condition report shall be completed and left with the vehicle when taken out of service.
7. Whenever a Missoula Police Department vehicle is involved in a crash or is damaged and the total monetary damage is one thousand dollars (\$1,000) or more the incident shall be reviewed by the Crash Review Board.
8. If the damage to the vehicle is less than one thousand dollars (\$1.000) the incident will be reviewed by the employee's immediate supervisor and a report forwarded to their Lieutenant and division Commander.
9. All crash or damage reports shall include a determination of the investigating supervisor as to one of the following;
  - a. Preventable
  - b. Non preventable (third party responsibility)

#### **IV. Accountability**

If the report from the Crash Review Board indicates the incident to have been preventable, the Division Commander may use any of the disciplinary procedures regarding the unsatisfactory performance by the employee per the City Employee Handbook (Section 9 -02).

Subsequent incidents involving preventable crashes or damage to a department vehicle shall be governed by the progressive disciplinary procedures. It should be understood that depending on the nature and circumstances regarding the damage and seriousness of the incident the Division Commander may use any disciplinary measures appropriate within their judgment.

#### **V. Definitions:**

\*Department Vehicle – Includes any police vehicle or specialty vehicle (lease car, city vehicle, special use vehicle) used by a department member or employee for official use.

\*Motor Vehicle Crash – An unintentional collision between two motor vehicles or a motor vehicle and another object.

\*Vehicle Crash Damage – Any vehicle damage which results from a motor vehicle crash.

\*Incidental Damage – Vehicle damage resulting from the routine operation so slight that it would not affect the operation of the vehicle (small scratch, dented hub cap, paint transfer, etc.) and would not normally be repaired. Safety operation items, such as broken headlight or taillight, can be included under incidental damage, but obviously should be repaired. All incidental damage will be reported to the Division Captain by use of a Desk Report (DR).

\*Malicious Damage – Any vehicle damage which is willfully caused by the operator or other person and does not meet the conditions for motor vehicle crash or incidental damage.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>CRASH REVIEW BOARD</b>		
<i>Effective Date:</i> <b>12/1/2008</b>	<i>Original Date:</i> <b>1/1/2008</b>	<i>Next Review:</i> <b>7/1/2009</b>
<i>Chapter</i> <b>9</b>	<i>Policy #</i> <b>9.40</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose:

The purpose of this policy is to give the Police Department a protocol for establishing and conducting a Crash Review Board.

## II. Procedure:

Crash Review Boards will be impaneled whenever a Missoula Police vehicle is damaged in a crash and the total monetary damage is One Thousand Dollars (\$1,000.00) or more. In those cases where the total monetary damage is One Thousand Dollars (\$1000.00) or less, the incident will be reviewed by the employee's immediate supervisor and a report forwarded to their Lieutenant and Division Commander.

A. The Crash Review Board will be composed of the following members:

1. Lieutenant, within the officer's chain of command
2. Traffic Sergeant
3. Patrol Officer

a. The Lieutenant will select the Officer to complete the board.

B. All members of the board shall have equal voting authority.

C. All investigative reports and evidence regarding the circumstances surrounding the crash will be reviewed by board members.

D. All crashes shall be reviewed within ten (10) working days of the incident unless substantial reasons are present to necessitate delay.

E. After all pertinent reports, evidence and details have been reviewed, the board will convene to determine the following:

1. Is the crash investigation adequate and complete?
2. Was the crash preventable or non-preventable?

F. Following review of the crash, the board will submit their findings to the Division Captain through chain of command. The Division Captain may

accept the findings or stipulate his objections or disagreements in writing to the Crash Review Board for reconsideration.

G. In those cases where a crash has been determined to be preventable, the Division Commander, through the chain of command, will recommend a disposition to the Chief of Police, ranging from verbal counseling up to and including termination, according to principles of progressive discipline.

H. Appeal

Officers subject to any form of disciplinary action may appeal the action to the Division Captain according to Missoula Police Association collective bargaining agreement.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>VEHICLE GENERAL RULES</b>		
<i>Effective Date:</i> <b>01/01/2008</b>	<i>Original Date:</i> <b>VARIES</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>9</b>	<i>Policy #</i> <b>9.50</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

Law enforcement relies extensively on motor vehicles to provide efficient and timely police response to emergencies, calls for service, patrol functions, investigations and traffic services. Maintaining a large fleet of vehicles requires a significant dedication of resources and there must be general rules for all vehicle operations to maintain efficiency and availability.

## II. Policy

Employees of the Department operating motor vehicles shall subscribe to all City Administrative Rules and any rules imposed by this policy, as well as temporary rules when given appropriate notice.

## III. Rules

**City Vehicles:** Department personnel shall not use Department vehicles for other than police purposes unless expressly permitted to do so by the Chief of Police. They shall not at any time allow any other persons, except Department Volunteers and other city employees with approval, to use departmental vehicles for any purpose.

**Seat Belt Usage:** All Department personnel who drive City-owned vehicles shall use and ensure that all passengers use safety belt equipment.

- Department personnel may remove the safety restraint device just prior to stopping for quick exit and to prevent becoming entangled in the restraint device when arriving at an emergency call or when making a traffic stop.
- Prisoners will be restrained in the rear seat using the lap belts provided, *except that if* the prisoner is so combative as to create a potential for injury to the officer or prisoner, the belt need not be used until the prisoner can be restrained safely.

**Vehicle Courtesy:** All officers and civilian personnel operating a Department vehicle are to show the utmost courtesy to other motorists and pedestrians.

**Vehicle Daily Condition Check:** Patrol officers shall complete a vehicle equipment checklist at the beginning of each shift and turn into the shift commander. Any observed equipment defect that affects the safe operation of the vehicle must be brought to the attention of a supervisor immediately and a Vehicle Condition Report completed. Other minor problems shall also be reported on a Vehicle Condition Report.

**Vehicle Idling:** Department personnel shall not leave vehicles idling unless necessary to provide power for operation of emergency equipment or to safeguard the welfare of persons or animals the vehicle. In certain periods of extreme weather supervisors may approve limited idling to ensure acceptable response to calls.

**Vehicle - Gas and Oil:** Officers going off shift must fill their vehicles with gas for the next shift. Oil should be checked at least once a week.

**Vehicle Gas Cards:** Each department vehicle is assigned its' own fleet fuel card. Personnel should not borrow cards from another vehicle. In the event of a lost card, notify a supervisor.

**Vehicle Appearance:** Personnel are responsible for maintaining any vehicle assigned to them in a clean and orderly condition. Marked units should be washed and vacuumed regularly to maintain a professional appearance.

**Vehicles - Privately Owned:** An employee will not use a privately-owned vehicle in the performance of official department business without the approval of the Chief of Police or his designee. The employee must maintain appropriate insurance as defined in City Administrative Rules.

**Emergency Equipment – POV:** No pursuit lights or sirens are authorized on private vehicles.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>MOBILE VIDEO EQUIPMENT</b>		
<i>Effective Date:</i> <b>12/1/2008</b>	<i>Original Date:</i> <b>01/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>9</b>	<i>Policy #</i> <b>9.60</b>	<i>Distribution:</i>
<i>References:</i> <i>Digital Ally Operations Manual, MPD Video operating instruction guide.</i>		

## I. Purpose

The purpose of this policy is to establish guidelines for the use of the in-car Audio/visual data capture systems and the handling of subsequent data.

## II. Policy

It is the policy of the Missoula Police Department to use in-car data capture systems to provide accurate documentation of events, actions, conditions, and statements made during law enforcement activities. In-Car video enhances our ability to review probable cause for arrest, arrest procedures, suspect/officer interaction, provides valuable officer training and establishes an impartial witness to officer/citizen contacts. The use of the in-car data capture system shall be in accordance with applicable statutory and case law.

## III. Definitions

DVM is the Digital Video Mirror Camera

## IV. Procedures

### A. Implementation and Care of Data Capture Equipment

The Chief of Police or his designee shall authorize MPD vehicles to be equipped with in-car audio/video data capture systems. Currently the MPD has two types of in-car audio/video data capture systems. One system records on 8mm video tapes (tape system) and the second records digitally on a Compact Flash card (DVM). The DVM in-car system shall consist of a forward facing camera, control unit, monitor, Compact Flash card, audio transmitter and microphone. The 8mm tape system consists of a forward facing camera, control unit, 8mm recorder, small monitor, audio transmitter/microphone and an 8mm tape.

1. The proper care of in-car data capture equipment installed in an MPD vehicle is the responsibility of the employee operating that vehicle, including:
  - a. Employees shall operate the equipment according to MPD training, policy and standard operational procedures.
  - b. Employees shall not remove, dismantle or tamper with in-car audio/video data capture equipment or software.
  - c. Officers may operate vehicles with non-functioning in-car data capture systems only if no other vehicle is reasonably available.
  - d. Verifying Flash card is not full and has enough room for entire shift (DVM only).

## **B. Operation of in-car Data Capture Systems**

In-car video recording is automatically initiated when a vehicle's emergency lights are activated, manually activated or activated by crash sensor (DVM only). Recorded video data includes events 60 seconds prior to activation of the emergency lights or any other initiating event (DVM only). Employees shall not deactivate any feature of either type of recording system, to include the internal microphone.

*\*for detailed operating instructions refer to MPD Operating Instructional Guide for each type of system\**

1. In-car data capture equipment shall be used to record the following:
  - a. All emergency vehicle operations.
  - b. All traffic stops.
  - c. All vehicle pursuits, (i.e. primary and secondary responding officers).
  - d. All transports of in-custody persons.
  - e. Any large disturbance, riot, protests, house parties / keggers, etc.
  - f. Any incident in which the audio recording capability may provide additional information and may be out of view of the video camera.
2. In addition to the required recordings listed above, employee should only use the in-car video capture system to record the following incidents:
  - a. Official law enforcement contacts.
  - b. Person(s) the employee reasonably suspects has committed, is committing, or is about to commit a criminal offense or ordinance violation.
  - c. Transports of persons not in custody.



3. Employees shall use the in-car data capture system to accurately capture events by:
  - a. Leaving the transmitter/microphone power switch in the "On" position while on-duty so that the transmitter/microphone can automatically record audio whenever the in-car video system is recording.
  - b. Officers using the system shall wear at all times the transmitter/microphone in a position so that it can adequately record audio with the built-in microphone or by wearing the external microphone with the transmitter to adequately record audio.
  - c. Reasonably positioning the camera to record events. (ex. DUI standardized field sobriety tests, etc.).
  - d. An officer shall not deactivate any audio recording component of the system at any time. This includes deactivation of the internal microphone.
  
4. Employees using the DVM are required to mark incident with the appropriate code at the conclusion of the event:
  11. Traffic stop-cite
  12. Traffic stop-warning
  13. DUI
  14. Criminal
  15. Interview
  16. Test
  21. Misc.
  22. Pursuit
  23. Admin-civil
  24. Crash (Police Car)
  25. Fatal Crash
  26. Code 3 response
  27. Traffic control
  
5. Once initiated, video and audio recording shall not be terminated until the event is complete with the following exceptions:
  - a. Under supervisors direction.
  - b. Employees may stop recording if there is no need to collect further data. (ex. Directing traffic, parades or escorts)
  
6. The rear camera (DVM) option should be used during any prisoner transport in all cars which this option is available.

### **C. Data Transfer and Documentation**

1. Employees are responsible for ensuring that the 8mm tape is switched when the tape is close to being full, or full. Employees are responsible for notifying their supervisor when the Flash card capacity indicator shows that the card is close to being full (indicator bar begins to flash).
2. Employees will ensure that a flash card is loaded into the DVM after removal of a card for any reason by a supervisor.
3. Employees shall document within their official reports, and/or notice to appear citations that in-car data recordings were made during their law enforcement activities.

#### **D. Supervisory Responsibilities**

1. Supervisory personnel who manage employees using patrol vehicles equipped with in-car audio/visual data capture systems shall ensure that:
  - a. Employees follow established procedures for the use and operations of in-car audio/video data capture systems, handling of audio/video recordings, and the completion of data transfer and documentation.
  - b. Repairs and replacement of damaged or nonfunctional in-car video equipment are reported to the Communications shop, and a Vehicle Maintenance Report form is completed.
  - c. Random review of officers' performance may be conducted by supervisors utilizing recorded information from the DVM.
  - d. When notified by an employee about a full Flash card, the supervisor shall remove the card from the DVM and replace it with an empty one. The supervisor shall place the full card in the safe for future upload from an authorized person.

#### **E. Data Management DVM**

1. In-car data capture system video and audio recordings shall be safeguarded similar to other forms of evidence.
  - a. DVM audio/video recordings submitted by officers will be maintained on a secure computer server and held by City of Missoula Police Department until the case has been adjudicated or otherwise disposed of in accordance with state law and department policy. Designated members of the police department will be responsible for system

administration of all captured and stored in-car video and audio recordings. Disposition of evidentiary video and audio recordings will be completed in accordance with existing department policy for the handling and disposition of evidence.

Retention Chart

11. Traffic stop-cite	1 year
12. Traffic stop-warning	6 months
13. DUI	5 years
14. Criminal	5 years
15. Interview	5 years
16. Test	3 months
21. Misc.	6 months
22. Pursuit	1 year
23. Admin-civil	5 years
24. Crash (Police car)	5 years
25. Fatal Crash	5 years
26. Code 3 response	3 months
27. Traffic control	3 months
28. Non-flagged video	9 months

All deletions by category and date will be completed by the Missoula Informational Technologies Department.

- b. Data recordings may be placed on an administrative hold, preventing their disposal, by the Chief of Police or his/her designee, the Professional Standards Lieutenant or a supervising officer. This administrative hold may be discontinued by order of the Chief of Police, his/her designee or the Division Commander responsible for the employees or activity involved in the recording.
  - c. If upon receipt of a complaint concerning an employee, the supervisor taking the complaint will determine if the event has been recorded and if so that information shall be forwarded to the officers Division Commander, and the Professional Standards Lieutenant with the details of the complaint.
2. Only designated members of the Police Department shall have access to the original in-car DVM data capture system digital file for purposes of uploading to server.
- a. Lieutenants
  - b. Evidence Technician

3. All access and level of permissions designated to each department member will be under the control of the City of Missoula Information Technologies Department, at the direction of the Chief of Police or designee.
4. In an effort to promote self-evaluation of officers' performance, trial preparation and report writing all officers will be able to view their own saved videos which have been uploaded.
5. Digital copies for purposes not associated with the investigation or prosecution of a violation of law will only be made and or created subject to one of the following:
  - a. Permission from the Chief of Police or his/her designee;
  - b. Request by a Division Commander;
  - c. Request by the Professional Standards Lieutenant.
  - d. Required by court order;

**F. Tape Control and Management 8mm Systems**

1. Sufficient 8-mm tapes will be available to allow for a different tape to be used for each shift of the current month.
2. 8mm tapes containing information that may be of value for case prosecution or in any criminal or civil proceeding shall be safeguarded as any other form of evidence. As such, these video tapes will be marked appropriately and placed into evidence
3. 8mm tapes not placed into evidence will be maintained in each officers specific location and reused after 30 days
4. Evidentiary 8mm will be erased and placed back into service when no longer needed by statute

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>CIVIL DISTURBANCES</b>		
<i>Effective Date:</i> <b>11/26/2001</b>	<i>Original Date:</i> <b>11/26/2001</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>10</b>	<i>Policy #</i> <b>10.10</b>	<i>Distribution:</i>
<i>References:</i> <i>Special Teams Policy; Special Teams Rosters; Use of Force policies;</i>		

## I. Purpose

The purpose of this policy is to establish guidelines to effectively deal with crowds engaged in a civil disturbance. A civil disturbance is defined as an unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

## II. Policy

The manner in which law enforcement officers deal with unruly crowds and illegal gatherings has direct bearing on their ability to control and defuse the incident and contain property damage, injury or loss of life. Officers confronting civil disturbances and those called upon to assist in these incidents should follow the procedures of containment, evacuation, communication, use of force, and command and control as enumerated in this policy.

## III. Definition

***Civil Disturbance:*** An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

## IV. Procedures

- A. The first officer to arrive on the scene of a civil disturbance should do the following:
1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent.
  2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of weapons. Request the assistance of a supervisor and any necessary backup and advise as to the present course of action.
  3. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse.
  4. Attempt to identify crowd leaders and any individuals personally engaged in criminal acts.

- B.** The Shift Commander at the scene shall be the officer in charge (OIC). The OIC or other higher-ranking officer assuming command at the scene should take the following steps:
1. Assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts may be made to resolve the situations.
  2. Establish the number of personnel and equipment necessary to contain and disperse the disturbance and relay this information to the communications center. If necessary, OIC may request the department Civil Disturbance Unit.
  3. Where necessary, ensure that appropriate notification is made to outside agencies to include the fire department, state and local law enforcement agencies, departmental officials, public information officer, the agencies' legal advisor and the local detention center.
  4. Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants.
  5. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
  6. Ensure that observation is centered to identify agitators, leaders and individuals committing crimes, and to document and report on events as they happen. Photographic and videotape evidence of criminal acts and perpetrators should be generated whenever possible.
- C. Command Options:** When adequate personnel and resources are in place, the OIC should attempt to establish communications with leaders of the disturbance and discuss actions necessary to disperse the crowd. Should the crowd fail to disperse in a prescribed manner, the OIC should be prepared to implement an appropriate tactical response such as:
1. ***Containment and dialogue.*** The objective of containment and dialogue measures is merely to disperse the crowd. In so doing, the OIC should:
    - a. Establish contact with crowd leaders to assess their intentions and motivation and develop a trust relationship; and
    - b. Communicate to the participants that their assembly is in violation of the law and will not be tolerated, that the department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.

2. ***Physical arrest.*** When appropriate, the OIC may order the arrest of crowd leaders, agitators or others engaged in unlawful conduct and will:
  - a. Ensure the appropriate use of tactical formations and availability of protective equipment for officers engaged in arrest procedures,
  - b. Ensure the availability of transportation for arrestees, and
  - c. Ensure that a backup team of officers is readily available, should assistance be required.
  
3. ***Less Than-lethal force.*** When physical presence, verbal commands and/or arrests fail to disperse the crowd, the OIC may use non-lethal force to accomplish these ends. In so doing, the OIC shall ensure that:
  - a. A clear path of escape is available for those who wish to flee the area.
  - b. Use of individually issued OC is not prohibited by this policy; however, this use should be in compliance of the Missoula Police Department's Use of Force policy.
  - c. The use of chemical agents or less-lethal devices is coordinated and controlled. Some forms of civil disobedience require the use of chemical agents to manage. The Missoula Police Department has two (2) types of chemical agents available, CS and OC. Both chemical agents have delivery and discharge systems that have advantages and disadvantages to their use and practicality. CS agents pose some significant decontamination issues. The tactics and use of OC and/or CS agent in crowd control management will be evaluated on a case-by-case basis, depending on facts and circumstances available to the officers. The on scene Commander will authorize and direct crowd control tactics and the use of chemical agents.
  
4. ***Use of lethal force.*** The use of lethal force in the control and dispersement of civil disturbances, as in other circumstances, is governed by this department's use-of-force policy.

**D. Mass Arrest:** During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely and legally, the OIC should ensure that:

1. An arrest team is designated to process all prisoners using the mass arrest cards for purposes of identification and transportation;
2. An adequate number of vehicles are made available to remove the prisoners to the detention center;

3. All injured prisoners or involved persons contaminated with chemical agents are provided adequate medical attention.
4. All arrested juveniles are handled in accordance with this department's procedures for the arrest, transportation and detention of juveniles; and
5. All evidence and weapons taken from arrestees are processed in accordance with this department's policy on the preservation and custody of evidence.

**E. Deactivation:** When order has been restored, the OIC shall ensure that the following measures are taken.

1. All law enforcement officers engaged in the incident shall be accounted for and an assessment made of personal injuries.
2. All necessary personnel shall be debriefed as required.
3. Witnesses, suspects, and others shall be interviewed or interrogated.
4. All written reports shall be completed as soon as possible following the incident to include a comprehensive documentation of the basis for and the department's response to the incident.



## MISSOULA POLICE DEPARTMENT POLICY MANUAL



*Subject:*

### PARTNER/FAMILY MEMBER ASSAULT

*Effective Date:*

**12/01/2008**

*Original Date:*

**12/01/2008**

*Next Review:*

**12/01/2009**

*Chapter*

**10**

*Policy #*

**10.20**

*Distribution:*

*References:*

*MCA 46-6-311, MCA 46-6-105, MCA 46-6-601, MCA 45-5-206, MPD Policies 5.10 and 5.50, State v. Ellinger*

### I. Purpose

It is the purpose of this policy to provide officers with guidelines to follow when responding to calls of partner/family member assault (herein referred to as PFMA).

### II. Policy

It is the policy of the City of Missoula Police Department when called to incidents of Partner/Family Member violence, that they shall investigate the matter to the best of their ability. If, during the course of their investigation, the officers believe that a violation has occurred, the officers shall make an arrest. Officers shall document the investigation and outcome regardless of the arrest decision.

### III. Definitions

**Probable Cause:** At the time of arrest, if the facts and circumstances within the officer's personal knowledge, or upon information imparted to him by a reliable source, are sufficient to warrant a reasonable person to believe that the suspect has committed an offense.

### IV. Procedures

#### Investigation

Officers shall look to establish probable cause for an arrest by interviewing all involved parties, identifying evidence, inquiring about prior history, victim's expressed/observed fear of the suspect, officer's observations and information obtained by 911. Officers shall consider the totality of the circumstances in making the decision to arrest.

Officers must consider the possibility of self defense during the incident.

Officers shall make every effort to preserve and document all relevant evidence of the crime. Photographs of the scene and any injuries to any involved party should be taken, along with seizing all evidence of the crime, which is governed by Policy 6.10 (Search and Seizure). Officers should be alert to the possibility of a more serious felony offense being committed, i.e. Aggravated assault, assault with a weapon.

Officers shall provide the victim with a Notice to Victims form. If applicable, officers shall attempt to obtain a signed medical release from the victim. If possible, victim and witness written statements should be done and the officer shall complete the Domestic Violence Supplemental form.

### **Predominant Aggressor**

When both parties have used force, officers should first determine if either party was acting in self-defense. If the officer determines that neither party was acting in self defense and has probable cause to arrest both parties, the officer may determine the Predominant Aggressor (MCA 46-6-311). The officer may only arrest the Predominant Aggressor.

On the occasions when an officer feels that there is a compelling public safety issue which requires the arrest of both parties and both parties pose a significant threat of danger to each other, then the officer may arrest both parties.

### **Arrest**

Officers shall make an arrest if they have probable cause to believe that a person is committing or has committed a PFMA. This arrest is a no bond arrest and the officer must make the detention center aware of the victim relationship to ensure that a release on bond is not allowed when the charge is a felony assault(on family member) MCA 46-9-302.

An officer's decision to arrest is not based on the consent or cooperation of the victim to subsequent prosecution.

As soon as practicable after the arrest, officers should complete and advise the defendant of the "Standing No Contact Order" prohibiting them from contacting the victim. Officers shall also request a Criminal History to retrieve the number of previous PFMA convictions and determine whether the case will be Felony or Misdemeanor.

If the offender is not at the scene at the time the officers arrive, reasonable efforts should be made to locate the offender.

If the offender is not at the scene at the time officers arrive **and** probable cause exists to make an arrest:

**Misdemeanor offense-** officers shall complete a Notice to Appear, Affidavit of Probable Cause and request the issuance of a warrant.

**Felony offense-** officers shall complete their report and forward it to Detectives, where it will be reviewed and a request for a warrant can be made.

Arrest is the preferred response in partner or family member assault cases involving injury to the victim, use or threatened use of a weapon, violation of a restraining order, or other imminent danger to the victim.

A person may not be arrested in the person's home or private dwelling place at night for a misdemeanor committed at some other time and place unless upon the direction of a judge endorsed upon an arrest warrant.

**However, a person may be arrested in the person's home or private dwelling at night if the person is being arrested pursuant to 46-6-311 for the offense of partner or family member assault.**

### **Written Report**

Officers shall prepare an incident report documenting their response, observations, investigation, evidence and disposition relevant to an allegation of PFMA. The report should also include any information relevant to the frequency and severity of previous reports of PFMA and if there were children present.

If an officer is dispatched to any sort of PFMA related incident, whether it be physical or verbal, and an arrest is **NOT** made, an incident report **must** be completed (**MCA 46-6-601**).

### **Victim Assistance**

As soon as practicable, officers who respond to a complaint of domestic violence shall attempt to address the immediate concerns of the victim(s). Once the victim's physical safety and medical concerns are handled, officer's shall provide a Notice to Victim's form and explain the numbers and services provided, including the possibility of staying at the shelter.

If the victim(s) requests to stay at the shelter, an employee of the YWCA shall be contacted to arrange the housing. Officers can, and should, assist in the transportation of the victim(s).

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>BOMB THREATS</b>		
<i>Effective Date:</i> <b>01/08/2002</b>	<i>Original Date:</i> <b>10/02/2001</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>10</b>	<i>Policy #</i> <b>10.30</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

It is the purpose of this policy to provide officers with a protocol for dealing with threatened bombings to include response, deployment, search, evacuation and assistance to specialized units.

## II. Policy

While many bomb threats are later determined to be hoaxes, they all present particularly serious response requirements for law enforcement agencies. It is the policy of this agency that all responses to bomb threats or emergencies be conducted systematically, efficiently and in a manner that gives primary consideration to the protection of human life.

## III. Definitions

*Bomb Threat:* A bomb threat condition exists when an explosive device has been reported or is suspected to be at a given location.

*Bomb Emergency:* A bomb emergency exists when a suspected or actual explosive device has been located or has been detonated.

## IV. Procedures

### A. Dispatch of the Threat

1. If dispatch is notified of a bomb threat by a victim, dispatch will contact the shift commander and notify them of the threat.
2. Dispatch will send an officer to the site of the threat.
3. Dispatches to bomb threats or emergencies will not be done by radio. They will be dispatched by telephone, unless emergency circumstances require a radio dispatch.

### B. Responding Officers' Responsibilities

1. Responding patrol units shall use only landline telephones for communication within 1500 feet of the location in question. (Radio signals and cell phones may detonate some explosive devices).

**\*\*\*All cell phones must be turned off.\*\*\***

2. The responding officer will contact the person in charge of the site to help coordinate a possible search and/or an evacuation of the site.
3. The responding officer will offer assistance in evaluating the threat if requested to do so. The officer should consider:
  - Whether previous threats have been received;
  - Possible motives and/or suspects;
  - Vulnerabilities of equipment and personnel;
  - Information given by the person making the threat
4. The responding officer will not order an evacuation based on a threat only.
5. The responding officer will contact the individual who received the threat, if they are available, to obtain additional information, to include:
  - a. The age and sex of the caller
  - b. Background noises heard during the call
  - c. Details about the bomb as far as when it will go off, what will set it off, where it is.
  - d. Other questions that might have been asked by the call taker

C. Searching for Explosive Devices

1. The decision to search, evacuate or to reenter a structure/location during a bomb threat will be the responsibility of the individual in charge of the property.
  - a. If management or the responsible agent does not wish that a search be conducted, no further action of this agency is warranted with the exception of a report of the response and investigation.
  - b. Only in cases where a real or suspected explosive device has been detected shall an evacuation be conducted regardless of the desires of the building management.
2. Searches of target buildings shall be conducted by the employees or others knowledgeable of the contents and layout of the building.
  - a. A search plan may be developed identifying the extent of the search depending upon the type of establishment, the motivation of the perpetrator and accessibility of the building.
  - b. A floor plan may be obtained whenever possible, the responding officer will help organize a systematic search of the premises.
  - c. In no case shall an officer declare that no bomb is present or in any way make the representation that the building is safe to occupy, no matter how thorough the search.
  - d. Under exceptional circumstances the responding officer, with approval of the shift commander, may request the assistance of the EOD with a search.

3. When coordinating a search, the responding officer should be particularly alert to the following items as indicators that there may be explosives at the location. Officers should be cautioned that absence of the following does not assure there is no bomb present:
  - a. Explosives-related pamphlets, periodicals and books;
  - b. Excessive amounts of galvanized or PVC pipe nipples and end caps, especially if they have drill holes in the nipple or cap;
  - c. Low-explosive powders or other incendiary mixtures;
  - d. Fuses of any type to include homemade burning fuses, such as string soaked in a burning powder;
  - e. Electrical switches; and
  - f. Electrical matches, blasting caps or similar initiators
  - g. Grenade-type pins

D. When a suspicious item has been located.

1. The responding officer will order an evacuation and establish a perimeter.
  - a. The evacuation distance should be based on the chart at the end of this policy and the evacuees should be behind some kind of cover such as a brick wall.
2. The responding officer will contact the shift commander and inform him that a suspicious package has been located.
  - a. The package will not be moved or in any other way disturbed
  - b. The surroundings where the package was located shall not be changed
3. The shift commander will contact dispatch and have the EOD Team called out.
  - The shift commander will also request that the Tactical Emergency Medical team be called out along with the fire department for a standby.
  - The shift commander will notify the appropriate staff officer of the call out.
  - In the event that the EOD team is requested to respond out of county, a staff officer will be contacted for approval.
4. The shift commander or his designee will respond to the site and establish a command post.
  - The shift commander will designate an officer to talk to the press in a separate area if the press shows up.
  - The shift commander, and any other people with valid information will remain at the scene to brief the EOD team when it arrives.
  - The shift commander will follow the EOD team's recommendations for evacuation and other safety measures to be taken.

E. Post-Explosion Investigation

This agency's designated bomb disposal unit shall have primary responsibility for investigating the physical scene of a bombing incident, to include

1. Checking the site for unconsumed explosives or secondary devices;
2. Supervising evidence recovery in accordance with agency guidelines;
3. Requesting the assistance of other agencies to determine the nature and construction of explosives and the identification of perpetrators;
4. Coordination with intelligence operations of this agency, and those of state and federal sources; and
5. Assisting in the evaluation of evacuation procedures, area and perimeter security, the availability of emergency services and coordination with the incident commander
6. Completing and submitting all required reports.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>UNATTENDED DEATH RESPONSE</b>		
<i>Effective Date:</i> <b>12/05/2006</b>	<i>Original Date:</i> <b>12/05/2006</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>10</b>	<i>Policy #</i> <b>10.40</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

It is the purpose of this policy to provide officers with guidelines to follow when investigating an unattended death.

## II. Policy

All unattended deaths which are reported to the Missoula Police Department shall receive preliminary investigation as a possible homicide. The Shift Commander shall respond to the scene of all unattended death calls, whether as an assignment or as a supervisor.

## III. Procedure

A. The first officer on the scene shall:

- a) Determine if death has now occurred. If there is any doubt that death has occurred, allow life-support services personnel (ambulance and/or Fire Department) at the scene to verify your determination whenever possible.
- b) Immediately clear the area of unnecessary persons and protect the scene for further investigation, being careful not to alter the scene in any way.
- c) If the scene indicates nothing suspicious after thoroughly reviewing the scene and statements of persons with pertinent information, have the Shift Commander examine the scene and request the Coroner.
- d) Gather such information as is necessary to complete your report. A report shall be written on all death investigations.
- e) When the Shift Commander is satisfied there is no reason to suspect foul play, he and the first officer may clear the scene after the Coroner has completed his examination and/or advised said officers that their presence is no longer required at the scene.



- B. When the officer on the scene determines that death has occurred and the scene indicates the possibility of homicide or suspicious circumstances exist and the officer feels that further investigation is required, he will:
1. Immediately clear the area of unnecessary persons, being careful not to alter the scene in any way.
  2. Request a Detective Division Investigative Team.
  3. Protect the scene, allowing no one, regardless of rank or affiliation with law enforcement, to enter the scene before the arrival of the Investigative Team.
  4. Locate, identify and record names of any witnesses in the immediate area, also recording the time of each step or event.
  5. Remain at the scene to assist until relieved or released by the Shift Commander or Investigative Team.
  6. Complete a report or supplementary report, as his role in the case dictates.

**IF HOMICIDE IS APPARENT**, the Detective Division Investigative Team shall notify, when appropriate:

- a) The Staff Officer on call;
- b) Coroner;
- c) County Attorney.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>DRUG RECOGNITION EXPERTS</b>		
<i>Effective Date:</i> <b>12/01/2005</b>	<i>Original Date:</i> <b>12/01/2005</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>10</b>	<i>Policy #</i> <b>10.50</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to establish guidelines to utilize the training and expertise of the department's Drug Recognition Experts (DRE).

## II. Policy

It is encouraged that a DRE be utilized to enhance any drug-related investigation considered a felony (including criminal possession, possession for sales, transporting, etc). Such enhancement may help to establish whether a direct link exists between the suspect and the drug(s) seized.

## III. Definitions

***Drug Evaluation and Classification (DEC) Program:*** The nationally recognized and regulated drug influence training program.

***Drug Recognition Expert (DRE):*** An individual who has successfully completed all phases of training requirements for certification established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration.

***Standardized Field Sobriety Test (SFST):*** The Standardized Field Sobriety Tests include three tests that were developed and validated through a series of controlled experiments supported by research grants from NHTSA. The three tests include Horizontal Gaze Nystagmus (HGN); Walk and Turn (WAT); and One Leg Stand (OLS).

***Blood/Breath Alcohol Concentration (BAC):*** The concentration of alcohol in a person as measured by blood or breath.

***Drug*** (As defined by NHTSA in regards to the DEC program): Any substance which, when taken into the human body, can affect the person's ability to operate a vehicle safely.

***Rule-out:*** A determination made by a DRE that an individual's impairment is other than drug related (i.e. medical).

**Agency Coordinator:** The person designated within each department or agency responsible for maintaining program records, ensuring maintenance of program standards and conducting training and certification sessions within the agency. Responsibility for this function may rest with one individual, in the case of a small or closely coordinated effort, or may be decentralized among several people throughout the agency. If there is no designated agency coordinator, the appropriate DRE coordinator shall be the state coordinator.

**State Coordinator:** In each of the states in which the Drug Evaluation and Classification Program has been implemented under the auspices of the National Highway Traffic Safety Administration, an individual has been designated to act as the statewide coordinator for the DEC Program. The duties of the position generally include but are not limited to:

1. Acting as an information clearinghouse and central communication point for the program within the state.
2. Assisting in coordinating training and other support activities for all agencies participating in the program within the state.
3. Coordinating the assignment of instructors in response to requests for service from federal and other sources.

#### **IV. Procedures**

##### **A. DUI**

1. The officer should begin the investigation and administer the Standardized Field Sobriety Test (SFST) battery and preliminary alcohol screening test (PAST).
2. If the results of the SFST and/or other observed impairment is not consistent with the results of the PAST and the results of the breath test are below .08 BAC, the investigating officer should request a DRE.
3. The officer will make the arrest decision based on the observed impairment, unless unusual circumstances exist. At which time the officer may request a DRE.
4. Once a DRE is notified he will determine whether to respond to the scene or have the arresting officer transport the arrestee to the police station or detention center for the drug evaluation.
5. When the DRE begins the twelve step drug evaluation, the arresting officer shall remain on scene and is ultimately responsible for the arrestee.
6. When the evaluation is complete, the DRE will notify the arresting officer of their opinion and complete their portion of the report before leaving. The only exception would be if the evaluation resulted in a "rule-out", or no drug impairment, determination by the DRE and the

arrestee is released or remains in custody on charges other than DUI or any drug-related offense. Regardless, the DRE will complete a DR report on the evaluation.

7. The shift commander may notify or request a DRE for any other purpose or investigation they deem necessary to establish whether drug influence is present.
8. It is recommended that a DRE be called to interview and/or conduct an evaluation on surviving driver(s) involved in serious injury or fatal traffic collisions.

## **V. REPORTING**

- A.** Every drug evaluation shall be documented on a Drug Influence Evaluation Report face sheet provided by the police department regardless of whether the DRE determines the subject is under the influence of a drug or a rule-out. The narrative shall be completed in the template provided in the Information Manager.
- B.** The DRE shall also complete a DR report whether or not the evaluation is for enforcement purposes, as a report is necessary to place evidence (blood/urine) into property.
- C.** The original Drug Influence Report shall then be attached to the DR report, and two additional copies made.
  1. One copy of the evaluation report should be included with the DRE's rolling log.
  2. The other copy shall be given to the Agency Coordinator to be entered into the National DRE Tracking System.
- D.** Both completed reports shall be reviewed by the DRE Agency Coordinator.

## **VI. EVIDENCE COLLECTION**

- A.** MCA §61-8-404(1)(a) states that "evidence of any amount or detected presence of alcohol, drugs, or a combination of alcohol and drugs in the person at the time of a test, as shown by an analysis of the person's blood or breath, is admissible."
  1. For the purpose of DUI-drug enforcement, a blood test shall be offered for the toxicology confirmation.
  2. A urine test is permissible for any other purpose to confirm the presence of any drug(s) in the person.

- B. All evidence as part of a drug evaluation shall be handled and preserved in accordance with department policy and practice.

## **VII. TRAINING, CERTIFICATION, & RE-CERTIFICATION**

- A. Each candidate DRE must adhere to the requirements established by the IACP and set forth in "The International Standards of the Drug Evaluation and Classification Program."
  - 1. These requirements shall include selection, training and certification.
- B. Each DRE shall maintain the requirements as set forth in The International Standards of the Drug Evaluation and Classification Program.
  - 1. These requirements include drug evaluations, education, and presentation of updated documentation.

## **VIII. AVAILABILITY, NOTIFICATION & CALL-OUT**

- A. DRE-trained officers possess exclusive training and knowledge that is an asset to many investigations. Every effort should be used to utilize a DRE on duty at the time of the incident. However, if no DRE is on shift, the shift commander may consult with a DRE at home or request a DRE respond.
- B. The types of cases that need DRE consideration include, but are not limited to, felony drug offenses, serious injury or fatal crashes, crashes where it is suspected the driver is under the influence of drugs and criminal cases where drug influence is an issue.
  - 1. The supervisor should take into consideration the normal shift of the DRE, as well as any vacation or time-off concerns.
  - 2. If the DRE responds, he/she shall be compensated from the time of the notification, in accordance with the MPA Collective Bargaining Agreement.
  - 3. Montana Highway Patrol has trained DREs in the Missoula area who may also be available to assist.
- C. The same considerations and efforts shall be made for any other law enforcement agency that requests a DRE to assist in an investigation, so long as the request is made through the shift commander.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>CITIZEN OBSERVER / RIDE-A-LONG PROGRAM</b>		
<b>Effective Date:</b> <b>05/17/2002</b>	<b>Original Date:</b> <b>05/17/2002</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b> <b>10</b>	<b>Policy #</b> <b>10.60</b>	<b>Distribution:</b>
<b>References:</b>		

## I. Purpose

The purpose of this policy is to establish guidelines for the management of a citizen observer/ride-a-long program.

## II. Policy

A program that allows citizens the ability to observe police operations can enhance community relations. To further good relations, it shall be the policy of the Missoula Police Department to provide this opportunity while regulating the manner in which officers and citizens participate.

## III. Definitions

*Citizen Ride Program:* An established procedure which allows a citizen the opportunity to ride with a police officer in order to observe police operations.

*Liability Waiver Form:* A form provided by the department that sets forth the potential for risks associated with a ride along, and also of the subject's waiving of all liability associated with those risks.

## IV. Procedures

### A. Waiver Requirements:

1. Prior to being allowed the opportunity to participate in a citizen ride, a liability waiver form must be completed.
2. Approval to ride will be authorized or denied by the shift commander.
3. The approval form will be maintained on file by the patrol captain for a minimum of 6 months.

### B. Steps to be taken for approval to ride.

1. A check of the subjects' criminal record will be made. The subject will be denied the opportunity to participate if he/she has been

convicted of a felony or a misdemeanor within one year or is currently the subject of a criminal investigation.

2. The ability to ride with a police officer will be denied if the subject is suspected of being under the influence of drugs and/or alcohol.
3. The ability to ride with a police officer will be denied if an outstanding arrest warrant exists.

C. Rules regarding citizen riders.

1. No person under the age of 16 years old may participate in a ride.
2. No cameras or recorders are authorized except as authorized by a Shift Commander.
3. Observers are under the control of the officer during the ride.
4. Observers will not leave the patrol car at the scene of police activity without first obtaining permission of the officer. Officers will ensure observers are not infringing on the privacy rights of suspects, victims, or witnesses. Observers will not accompany the officer into areas not in common view by the public.
5. While participating as a citizen rider, the officer may provide a tour of the department. However, during times the officer is required to be at the station, the citizen rider will wait outside the desk area on one of the public benches.
6. No person shall participate as a citizen rider more than one time without approval of a staff officer.
7. At all times during the ride the subject must wear an identification badge provided by the department.
8. At any time during the ride, the shift commander may terminate the citizen rider's participation in the ride.
9. In the event of a pursuit, the officer will disengage from the pursuit when another marked vehicle becomes involved and can take over the pursuit.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>KNOWN RISK OR FELONY STOPS</b>		
<b>Effective Date:</b> <b>01/01/2008</b>	<b>Original Date:</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b> <b>10</b>	<b>Policy #</b> <b>10.70</b>	<b>Distribution:</b>
<b>References:</b> <i>Use of Force Policy</i>		

## I. Purpose

The purpose of this policy is to provide guidelines for making vehicle stops or contacts with individuals involving known risk to officers. This would include any enforcement action where a person, a vehicle or its occupants are believed to have been involved in felonious activity or present a known danger based on information available to the officer at the time of the contact.

## II. Policy

It is the policy of the Missoula Police Department to recognize the safety of all persons as the primary consideration in any contact or traffic stop. Officers should constantly evaluate their actions in response to the circumstances and information gained during the time of the contact or vehicle stop. An officer's use of force during such stops should be in keeping with department use of force requirements, as well as statutory and case law.

## III. Definitions

**Investigatory Stop** – defined by MCA 46-5-401

**Known Risk Stop** – any instance where a reasonable officer either has or gains knowledge that a suspect vehicle or individual presents a high potential of risk to the officer or others.

*(Risk considerations may include: particularized suspicion of forcible felony activity, stolen vehicles, CJIN/NCIC caution advisories, possession or accessibility of weapons, or suspect(s) with known violent history, etc.)*

**Unknown Risk Stop** – any instance of professional law enforcement contact with persons or vehicles where there is no pre-existing knowledge of potential risk to the officer or others; for example – “routine” traffic stops, field contacts, citizen assists, etc.



## **IV. Procedures**

### **Officers' responsibilities:**

1. In **preparation** for a Known Risk Stop, Officers should consider:
  - a. Stop location and number of involved persons
  - b. Notification of dispatch and supervisor
  - c. Availability of back-up officers and other resources, i.e. K9
  
2. **During** a Known Risk Stop, Officers shall:
  - a. Recognize that the safety of all individuals is the primary consideration,
  - b. Evaluate information during the unfolding event to assess the need to escalate or de-escalate the use of force or the tactics employed to control the situation,
  - c. Establish control of person and the scene,
  - d. Conduct preliminary investigation,
  - e. Determine presence or absence of probable cause,
  - f. Make enforcement decision.
  
3. **Following** a Known Risk Stop, Officers shall:
  - a. Recognize the dignity of the persons stopped, detained, or arrested,
  - b. Provide those persons with an explanation for the tactics used during the event, regardless of the final enforcement action taken,
  - c. Provide written documentation to support the investigatory stop or arrest, including detailed account of any force used.

### **Supervisors' Responsibilities:**

- a. Respond to the scene of the known risk/felony stop,
- b. Supervise the stop if not complete, intervening if necessary,
- c. Ensure officers' responsibilities are met, and
- d. Complete supervisor's use of force report.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



*Subject:*

## K-9 UNIT (POLICE SERVICE DOGS)

*Effective Date:*

**12/01/2008**

*Original Date:*

**FALL 1995**

*Next Review:*

**12/01/2009**

*Chapter*

**10**

*Policy #*

**10.80**

*Distribution:*

*References:*

*Use of Force; Special teams deployment*

## I. Purpose

It is the purpose of this policy to provide all members with protocols and guidance in the use of K-9 (Police Service Dogs) to their fullest capability in furtherance of the Department's law enforcement mission.

## II. Policy

The Missoula Police Department has authorized the existence of a K9 Unit whose primary mission is to provide specialized support to Uniform Patrol, the Detective division and other specialty units, such as SWAT. Its role shall be to locate evidence, contraband and suspects; as well as provide protection and backup for Officers and support personnel of the Department.

Each K9 team shall do their best to turn the police service dog's greater senses of smell, hearing and sight to the advantage of the Department. The police service dog is valued first as a locating tool and second as an apprehension tool in keeping with the Department's Use of Force Policies. Unlike other force tools, the police service dog is capable of being recalled by the handler.

## III. Definitions

**K9 or Police Service Dog-** A dog selected and trained for official police functions.

**Patrol K9** – a police service dog trained and used for handler protection, tracking, building searches, evidence searches, suspect apprehensions, SWAT applications and under extreme circumstances locating lost persons.

**Dual Purpose K9** – a police service dog trained as a Patrol K9 and another function such as narcotics or explosives detection.

**K9 Team** – Consists of a trained police service dog and their trained Officer handler.

## IV. Procedures

### **A. Prerequisites for Patrol K-9 deployment:**

- 1) Severity of crime at issue. A Police K-9 may be used to locate and apprehend a suspect if it is reasonably believed that the individual has either committed or is about to commit a criminal offense.
- 2) Whether the suspect poses an immediate threat to the safety of law enforcement officers or others.
- 3) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- 4) A supervisor may order a handler to deploy or not deploy the K-9, but will assume all responsibility for doing so.
- 5) Police Service Dogs will only be used to search for missing persons when the risk of a possible contact is clearly outweighed by the risk of life threatening exposure or injury.

### **B. Prerequisites for K9 Drug Sniffs:**

- The Montana Supreme Court has decided case law establishing that K9 sniffs are not searches, per se; yet the use of a Police Service Dog to perform a sniff requires particularized suspicion of a controlled substance to do so without express consent.

### **C. Requesting K9 Assistance**

- 1) Any Officer who can show the above criteria have been met may request the assistance of an on-duty K-9 Unit.
  - a) If there is no K-9 Unit available, the K-9 Supervisor will be contacted. The K-9 Supervisor will determine if an off-duty K-9 Unit should respond to the scene. If the K-9 Supervisor is not available, the Shift Commander will contact a K-9 team directly.
  - b) The K-9 handler should have the ultimate authority not to deploy the dog. The handler shall evaluate each situation and determine if the use of a Police Service Dog is technically feasible.
- 2) Requests for the K-9 Unit to assist with Search/Arrest Warrants will go through the K-9 Supervisor. When there is no K-9 Unit Supervisor available, the Shift Commander will make the determination.
  - a) Pre-scheduled warrant service is preferred and encouraged.
- 3) Outside agency requests:

The Department's Mutual Aid Policy applies in full to providing K9 assistance to other Agencies.

- a) Agencies requesting Missoula Police K-9 teams outside of Missoula County must first be approved by the On-Call Staff Officer.
- b) Agencies requesting Missoula Police K-9 teams inside Missoula County should be processed through the K-9 Supervisor. If the K-9 Supervisor is not available, the Shift Commander will determine if the K-9 Unit will respond.
- c) All the above prerequisites must be present prior to granting the assistance requested.
- d) At least one Missoula Police Officer will accompany the K-9 team as a cover officer. The K-9 team may request more cover officers depending on the severity of the crime. The request will be made through the available shift commander.

#### **D. K9 Contacts**

- 1) Citizen Contact with the K-9
  - a) All contacts will be provided immediate medical attention, no matter how slight the contact is.
  - b) The on-shift Supervisor and K-9 Supervisor must be informed.
  - c) Photos will be recorded using a digital camera, including:
    - Photos of the actual injury.
    - Photos of area in question if an injury is not visible.
    - Photos of physical location the contact took place.
  - d) A supervisor shall conduct a recorded interview with the contacted person.
  - e) A Use of Force form must be completed by the Supervisor. If the K-9 Supervisor is not available, the Shift Commander will accomplish this task.
  - f) If the injury is serious, on-call Staff must be notified.
- 2) Contact with Police personnel
  - a) Medical attention is encouraged if necessary.
  - b) The K9 Supervisor and the Shift Commander must be informed.
  - c) A Workman's Compensation form will be completed as needed.
  - d) Photos will be recorded using a digital camera, including:
    - Photos of the actual injury.
    - Photos of area in question if an injury is not visible.
    - Photos of physical location the contact took place.

Notification to on-call staff when any significant injury or circumstances.

## **E. Additional Handler Responsibilities**

During a normal duty work week, 5 hours of K9 handlers time worked is allocated to care of their assigned police service dog and equipment.

### **1. K9 Vehicle**

- a) Each K-9 Team for the Missoula Police Department is assigned a properly equipped patrol vehicle.
- b) The K-9 Officer will be responsible to ensure regular care and maintenance of the patrol vehicle.
- c) The K-9 vehicle will be kept at the K-9 Officer's home unless otherwise specified.

### **2. K-9 Housing**

- a) The department provides each police service dog with an appropriately sized kennel, dog house, food and water bowls.
- b) The police service dog will be kenneled at the K-9 Officer's residence and should always be kenneled when the handler is not present to exercise control over the dog.
- c) The kennel environment shall be kept sanitary and conducive to proper rest for the police service dog while not in service.
- d) K-9 Handlers shall consult with the K-9 Supervisor about care for the police service dog while on vacation or extended leave.
- e) The K-9 handler shall ensure the police service dog receives proper medical care from department-approved veterinarians.
- f) The K-9 Handler will provide the K-9 Supervisor with documented rabies vaccine so the K-9 Supervisor can update current license with the Animal Control.
- g) The K-9 handler is responsible for the safety of his or her family members, friends invited into his or her premises, and members of the public, when the police service dog is at home, or otherwise not functioning in a police capacity.
- h) Negligent care or control of an assigned police service dog may result in relief from K-9 assignment.

### **3. K-9 Log**

- a) Each handler will maintain a separate log each for training, application, patrol and narcotics detection.
- b) Each K-9 Handler will complete a separate file for K-9 Application resulting in a K-9 Contact. The file will include but not be limited to:
  - All related Officers Reports
  - Use of Force Form
  - Photos of crime scene, suspect, and photo log

- Transcript of taped interview with persons who were contacted. (interview completed by K9 Supervisor or shift commander)

#### **F. K-9 Demonstrations**

1. All requests must be directed to the K-9 Unit Supervisor.
2. Demonstrations will be completed as directed by the K-9 Supervisor in a manner determined by the Handler and the K-9 Supervisor.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>DETECTIVE ON-CALL</b>		
<i>Effective Date:</i> <b>04/06/2006</b>	<i>Original Date:</i> <b>08/27/2003</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>11</b>	<i>Policy #</i> <b>11.10</b>	<i>Distribution:</i>
<i>References:</i> <i>Collective Bargaining Agreement;</i>		

## I. Purpose

The purpose of this policy is to specify responsibilities for maintaining sufficient resources to meet the needs of the Department in response to routine and extraordinary circumstances. On call status is an investigative resource and will not be used to augment street strength, clerical strength or routine business in foreseen events.

## II. Policy

For times other than those designated as normal business hours the Captain of Detectives shall publish an on call schedule for each month.

The policy of the Missoula Police Department is to provide a system by which this department recognizes the need to maintain an effective criminal investigations component.

The Captains of all divisions are responsible for ensuring that sufficient personnel are available to meet reasonable, predictable demands and that contingency planning for emergency demands is both current and adequate. The Captain of the Detective Division is responsible for maintaining workable procedures to make this possible.

## III. Definitions

***Qualified Detective*** - Patrol officers who have been selected and assigned to the Detective Division and have detective experience and job knowledge that demonstrates to the Division Captain that they are a competent investigator.

***Trading on call duty*** - Each on call detective may, at any time, allow his duty assignment to be filled by another qualified detective. The change must be approved by a Division supervisor and the originally assigned employee is ultimately responsible for their duty assignments.

#### **IV. Procedures**

The Division Captain will post a monthly on call schedule comprised of qualified detectives. The on call list will be created using a voluntary sign-up based on seniority. Any vacant on call positions not filled by the voluntary sign up will be assigned by the Division Captain on an equitable rotating basis with credit given for detectives who have already volunteered. The on call period will be from Friday from 5:00 p.m. until midnight on Sunday. The senior Detectives will normally be the primary contact (lead investigator); however, efforts will be made to prevent the same detective from being the primary contact on consecutive call outs.

The call out sign up period will be a minimum of one year unless otherwise agreed upon by the Union. The number of available weekends will be divided equally by the number of authorized detective slots in the division at the beginning of the period. Each detective, beginning with the most senior to the least senior based on overall department seniority, will be allowed to sign up for a maximum of their equal share of weekends on the first routing. After the list has circulated once throughout all eligible detectives, it will be circulated a second time using the same criteria. Any open weekends created due to division vacancies can remain vacant at the discretion of the Division Captain.

Detectives will not be allowed to sign up for on call duty during the same period they are on vacation, time coming or military duty.

Changes in the list due to trading or exigent circumstances will require the approval of the Division Captain or his designee.

Employees on call are not in any way restricted in their movement or activity as long as they can respond fit for duty within a reasonable period of time. Employees on call are responsible for notifying the communications desk of a method for contacting them while on call.

Employees on call will be compensated at the rate negotiated in the Missoula Police Department Union contract, provided with a vehicle, pager and cell phone.

When responding to a call out, employees will be compensated at an overtime rate of pay beginning at the time they are notified. The overtime rate is the amount established in the Missoula Police Department Union contract.

Although the department places no restrictions in their activities prior to call out, it reserves the right to reassign employees who repeatedly fail to respond to call out.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>PURCHASING EVIDENCE/INFORMATION</b>		
<b>Effective Date:</b> <b>12/01/2008</b>	<b>Original Date:</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b> <b>11</b>	<b>Policy #</b> <b>11.30</b>	<b>Distribution:</b>
<b>References:</b> <b>RMHIDTA Policy 1.61</b>		

## I. Purpose

The purpose of this policy is to guide officers with the purchase of information or evidence during the course of an investigation.

## II. Policy

It shall be the policy of this department that officers requiring cash funds for the purchase of evidence or information shall adhere to the following guidelines and procedures. No funds may be released to purchase information or evidence without the authorization of the Chief of Police and/or other Staff Officer designee.

## III. Definitions

*Buy Money Account(s)*- The Missoula Police Department maintains and administers cash fund(s) which are utilized solely for the purchase of information or evidence for Missoula Police Department investigations. These cash funds are kept in a locked safe under the direct control of the Chief of Police or his Staff Officer designee. Separate funds and ledgers will be kept for each cash account.

*Confidential Contributor Expense Voucher*- The form used to document and verify any funds released from the Buy Money Account for the purpose of purchasing evidence or information.

*Ledger*- There shall be a handwritten ledger left with the cash from the account, and locked within the safe where it is kept. The balance shall be updated upon movement of cash in or out of the account.

## IV. Procedures

### Reporting

On a monthly basis, a Detective Division designee (typically the Lieutenant or Captain) along with the Chief of Police (or his designee) will count the cash on hand and reconcile the amounts with the accompanying ledger.

The authorized designee should note the current balance of the buy money account on the ledger.

Funds allocated from this process are then formally reported on the bottom section of the Confidential Contributor Expense Voucher. This includes CI numbers, amounts withdrawn and returned, and signature area for the CI to verify funds received.

The ending balance will match that of the ledger in the safe.

### **Usage**

When it becomes necessary to expend monies from this buy account, the Investigator MUST first contact the Chief of Police or his Staff Officer designee.

The investigator will advise of the amount needed and the purpose.

The authorized designee will then count out and record in the ledger the amount, date, CFS or DR#, CI number or purpose pertinent to the transaction. Both the authorized designee and the investigator must then sign the ledger.

If the monies removed from the buy account are to be utilized for the purpose of a controlled purchase of evidence, the front of the currency will be photocopied so that a record of the serial numbers is available for the case file to verify the amounts expended during the investigation, and for evidentiary purposes.

### **Funding**

The account shall be replenished when depleted through its intended use. Monies used for the account shall be drawn from the appropriate fund, by means of a claim form submitted to the city treasurers' office.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>CONFIDENTIAL INFORMANTS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>12/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>11</b>	<i>Policy #</i> <b>11.35</b>	<i>Distribution:</i>
<i>References:</i> <i>State v. Goetz</i>		

### I. Purpose

The purpose of this policy is to provide regulations for the control and use of Confidential Informants (CI).

### II. Policy

In many instances, a successful investigation cannot be conducted without the use of CIs. While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the officer utilizing the informant. Therefore, it shall be the policy of this law enforcement agency to take necessary precautions by developing sound informant control procedures.

### III. Definitions

***Confidential Informant:*** An individual, who in an arrangement with law enforcement authorities, agrees to serve in a clandestine capacity to gather information for those authorities on suspected criminal activity or known criminal operatives.

***Confidential Informant File:*** File maintained in order to document all information that pertains to confidential informants.

***Unreliable Informant File:*** File containing information pertaining to individuals determined generally unfit to perform as informants.

***Compelling public interest:*** For purposes of this policy, a compelling public interest includes situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence to persons, property, or public safety as to demand action.

## **IV. Procedures**

### **A. Establishment of an Informant File System**

1. The Captain, or his designee, of the criminal investigations function shall be responsible for developing and maintaining master informant files and an indexing system.
2. A file shall be maintained on each CI used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information:
  - a. Informant's name;
  - b. Name of officer initiating use of the informant;
  - c. Informant's photograph, fingerprints, and criminal history record;
  - d. Briefs of information provided by the CI and its subsequent reliability. If an informant is determined to be unreliable, the informant's file shall be placed in the unreliable informant file;
  - e. Signed informant agreement; and
  - f. Update on active or inactive status of informant.
3. The confidential and unreliable informant files shall include an indexing system. An informant history summary, coded with the informant control number, shall be prepared to correspond to each informant file and include the following information:
  - a. Special skills and/or avocations;
  - b. Date of birth;
  - c. Aliases;
  - d. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features;
  - e. Current home address and telephone number;
  - f. Residential addresses over the last five years;
  - g. Current employer, position, address, and telephone number;
  - h. Marital status and number of children;
  - i. Vehicles owned and their registration numbers; and
  - j. Places frequented;
  - k. Gang affiliations;
  - l. Special areas of criminal expertise/ knowledge.
4. Informant files shall be maintained in a secured area within the criminal investigations section.
5. The two informant files shall be utilized in order to
  - a. Provide a source of background information about the informant;
  - b. Provide a complete history of the information received from the informant;

- c. Enable review and evaluation by the appropriate supervisor of information given by the informant; and
  - d. Minimize incidents that could be used to question the integrity of investigators or the reliability of the CI.
6. The officer in charge (OIC) of informant files shall be responsible for ensuring that information concerning informants is controlled and distributed to officers and other authorities who have a need and a right to such information.
  7. Officers responsible for handling individual informants are responsible for ensuring that information of potential tactical or strategic value as intelligence is only provided to authorize intelligence personnel.
  8. No officer shall maintain original or duplicated copies of informant files in their personal possession. All informant files must be referenced within designated areas of the police facility and returned as soon as possible to their secure file location.
  9. Sworn personnel may only review an individual's informant file upon the approval of the commander of criminal investigations. The requesting officer shall submit a written request explaining the need for review. A copy of this request, with the officer's name, shall be maintained in the CI's file.

## **B. Use of Informants**

1. Before using an individual as a CI, an officer must receive initial approval from a supervisor (Lieutenant or above).
2. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.
3. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.
4. All persons determined to be unsuitable for use as a CI shall be referenced in the Unreliable Informant File.
5. Use of a juvenile under the age of 18 as a confidential informant may only be undertaken with the advanced approval of the division Captain, or his or her designee. Authorization for such use may be granted only when a compelling public interest can be demonstrated, such as in an immediate threat of serious bodily injury or death.  
\*\*\*\*See definition of Compelling Public Interest\*\*\*\*

## **C. General Guidelines for Handling CIs**

1. All CIs are required to sign and abide by the provisions of the departmental informant agreement.\* The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:

- a. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon;
  - b. Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations; and
  - c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs where the informant encourages, persuades, or otherwise motivates a person to engage in criminal activity.
2. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit, accept gratuities, or engage in any private business transaction with a CI.
  3. Whenever possible, an officer shall always be accompanied by another officer when meeting with a CI.
  4. Use of a CI while gathering evidence or information requires the use of a body wire or similar device to ensure the safety of the CI and suspect. This contact must be recorded.
  5. The use of this type of listening or recording device requires a search warrant.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>RECORDS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>12/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>12</b>	<i>Policy #</i> <b>12.10</b>	<i>Distribution:</i>
<i>References:</i> <i>12.11 Information Dissemination</i> <i>14.11 Media Relations</i> <i>12.12 Retention</i> <i>MCA 44-5-101 through 311</i> <i>ARM 23.12.203 and 23.12.301</i>		

## I. Purpose

The purpose of this policy is to provide guidelines and definitions describing the Missoula Police Department Records Unit function and personnel.

## II. Policy

It shall be the policy of the Missoula Police Department Records Unit to provide support services to the Department members, the public and the criminal justice system through the maintenance and security of criminal records, incident reports and other information as is required to foster accomplishment of the Department's mission.

## III. Definitions

### A. Montana Laws and Administrative Rules Governing This Policy

1. Montana Criminal Justice Information Act (MCA) 44-5-101 defining:
  - a. Administration of criminal justice
  - b. Confidential Criminal Justice Information Criminal history record information (CHRI)
  - c. Criminal intelligence
  - d. Criminal investigative
  - e. Criminal justice agency
  - f. Criminal Justice Information
    - 1) Dissemination
    - 2) Public Criminal Justice Information
2. Administrative Rules of Montana 23.12.203 and 23.12.301 defining:
  - a. Criminal justice agency, initial arrest record, initial offense report and juvenile records, and
  - b. Confidential Criminal Justice Information

B. Dissemination and Secondary Dissemination

1. Involved Party - *any victim, suspect, witness, business, additional person having a vested interest in the incident or accident*
2. Third Party - *Any person, association, organization or representative acting on behalf of an involved party or represents a financial interest in person or property*
3. Public at large - *any member of the general population*

C. Record Management System –*software designated for the collection and production of reportable offenses, incidents, and statistical data*

**IV. Procedures**

- A. Records Unit Public customer service hours are normal business hours, Monday through Friday 0800-1700 hrs, excluding legal holidays.
- B. Access to records through automation can be obtained by members of the department 24 hours a day.
- C. All requests for the release of documents or case reports shall be directed through the Records Unit Personnel. In the event a member of the Records Unit is not available, officers may disseminate criminal justice information to another recognized criminal justice agency for the purpose of aiding in an active investigation. Officers will electronically notify Records Unit Personnel their request to release information, either through the use of email or the distribution field in the current RMS.
- D. Records Unit Personnel will release information upon receiving written or electronic requests within 10 business days.
- E. All criminal history record information and report dissemination will be logged, identifying the following information:
  1. Person making the request
  2. Report/case number
  3. Date of dissemination
  4. Name of individual releasing the information



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>INFORMATION DISSEMINATION</b>		
<i>Effective Date:</i> <b>12/1/2008</b>	<i>Original Date:</i> <b>12/1/2008</b>	<i>Next Review:</i>
<i>Chapter:</i>	<i>Policy #</i> <b>12.11</b>	<i>Distribution:</i>
<i>References:</i> 12.10 Records                      MCA 44-5-101-602, 41-5-206 and 216 14.11 Media Relations            ARM 23.12.304		

## I. Purpose

The purpose of this policy is to establish guidelines to ensure security, privacy and proper dissemination of adult and juvenile incident, offense and arrest record information by all personnel of the Missoula Police Department.

## II. Policy

Using Administrative Rules of Montana 23.12.304 as a model, the Missoula Police Department shall not disseminate confidential criminal justice information unless the person or agency requesting the information has demonstrated to the department a right-to-know or a need-to-know. Information contained in association to case file information that is designated as public criminal justice information may be disseminated without restriction to the person or agency requesting such information. The State of Montana has enacted statutory requirements governing the security, privacy, and dissemination of adult and juvenile arrest records information, defined and explained in MCA 44-5-101 – 602, 41-5-206 and 216. These policies also pertain to physical area where such record information is collected, processed, stored and disseminated. The release of criminal history information to non-authorized person is a criminal violation. All personnel of the Missoula Police Department, especially those assigned to the Records Unit, will understand and comply with these laws, rules, and regulations.

## III. Definitions

For terms used in this policy, refer to Policy #12.10 Records.

## IV. Procedures

Montana Code Annotated and Montana State Constitution make certain information public and failing to release that information is punishable by state law. The Missoula City or County Attorney must be consulted prior to release of any report involving pending prosecution to determine if the release would impair the prosecution or civil proceeding in cases involving City or County of Missoula interests, real or implied.

### A. Inspection and copying of incident, arrest, or accident reports

#### 1. Case Reports (Offense, Incident, Arrest)

*As dictated by law, some police case reports will be released in their entirety, and some reports will be released only after certain information*

*has been redacted, per unit procedure ensuring individual's right to privacy.*

a. Requests from CITIZEN or INVOLVED PARTY

- 1) All requests for copies of reports must be in writing. The request should indicate the name, address and contact information of the requestor and must state their involvement. The appropriate fee for copying reports as set forth by City of Missoula Resolution or Ordinance must accompany the request.
- 2) **Involved party** – Any victim, suspect, witness, and business, additional person having a vested interest in the incident or accident. Involved parties are entitled to public information and any information they have stated to or provided a responding officer.
- 3) **Third Party** – Any person, association, organization or representative acting on behalf of an involved party or represents a financial interest in person or property, with written authorization or consent of involved party. Third parties with consent are entitled to public information and any information they have stated to or provided a responding officer.
- 4) Public information is available to any person, at large, making a written request for information regarding a reported incident. Public information will be available at the police department and on the City of Missoula Website. The release of public information is limited to the following information only as prescribed by MCA 44-5-303:

Incident case number  
Initial complaint description  
Time of initial complaint received,  
dispatched and resolved  
Location of incident – with the exception of  
possible victim identity

b. Report requests from other criminal justice agencies

All requests for reports must be in writing received on the agency's letterhead or via use of CJIN/NLETS telex. The request should indicate the name, address and contact information of the requestor and must state their involvement

2. Accident/Crash Reports (MCA 61-7-114)

- a. All accident reports and supplemental information filed as required by law are confidential and not open to general public inspection, Except as provided in MCA 61-7-114 subsection (2)(e) defining the following parties as entitled to information, inspection, and copying:
- 1) A person named in the report or involved in the accident.
  - 2) The representative of the person referred to in subsection (2)(a), designated in writing, or the insurance carrier of that person.
  - 3) A party to a civil action arising from the accident.
  - 4) The executor, the administrator, or the attorney representing the executor or administrator if the person is deceased.

B. Criminal History Record Information

1. The Missoula Police department DOES NOT disseminate any other agency's criminal history record information. (This includes contacts shown in RMS as originated by the Missoula County Sheriff's Office.) It must be clearly expressed to citizens wanting their own criminal record that we can check and respond on our records only. Whenever possible, it is best to refer the citizen to the Montana Department of Justice to obtain their complete criminal history record. The MTDOJ will report any convicted misdemeanors and felonies reported throughout the state of Montana. Our record check will reveal Missoula Police Department originated convictions only.
2. All Requests for Criminal History Record Checks **MUST** be received in writing. The written request may be in the form of existing Missoula Police Department *Record Check Request Form*, or any form created by requesting party that identifies the following information:
  - a) Date of request
  - b) Reason for request (law enforcement, employment, visa)
  - c) Last, First, Middle, maiden names and known alias of subject
  - d) Subject's date of birth and/or social security number (at least one)
  - e) Agency identification including return phone number and mailing address.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>RECORDS RETENTION</b>		
<b>Effective Date:</b> <b>12/01/2008</b>	<b>Original Date:</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b>	<b>Policy #</b> <b>12.12</b>	<b>Distribution:</b>
<b>References:</b> <i>12.10 Records</i> <i>Missoula Police Department Records Retention Schedule</i> <i>City of Missoula Municipal Common Records Schedule</i> <i>Montana Local Government Retention and Disposition Schedule for Municipalities</i>		

## I. Policy

It is the policy of the Missoula Police Department to retain and/or destroy records in accordance with a set schedule of records retention.

## II. Procedures

### A. Records Retention Audit

1. The records of the Missoula Police Department will be internally audited annually by the Records Manager, to determine which records are to be retained or to be destroyed.
2. Records found to be within 10 years of last activity will remain in active storage located in the basement of City Hall.
3. Records found to be archivable will be moved to cold storage at a facility located outside of City Hall.

### B. Records will be managed in accordance to the City of Missoula Records and Information Management Program, City of Missoula Administrative Rule 16, Chapters 2 and 6 providing guidelines on the following:

1. Public access
2. Retention and transfer
3. Preservation and inventory
4. Custody and removal

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>CRIME ANALYSIS – PLANS UNIT</b>		
<i>Effective Date:</i> <b>12/1/2006</b>	<i>Original Date:</i> <b>12/1/2006</b>	<i>Next Review:</i> <b>12/1/2009</b>
<i>Chapter</i> <b>12</b>	<i>Policy #</i> <b>12.20</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to establish the authority for information requirements and reporting responsibilities of this agency's crime analysis function.

## II. Policy

The crime analysis function shall include collecting, organizing, analyzing and interpreting crime and incident data to evaluate past performance and identify criminal activity patterns and trends for operational deployment, tactical intervention, strategic planning and management analysis. Crime analysis is indispensable to this agency's efficiency, productivity and effectiveness. Therefore, all applicable personnel shall provide complete and consistent reports of crime, incidents and related information as required to support this function. The crime analysis function shall in turn provide operational units with and assist units to assemble data and information sufficient for analysis, planning and daily problem solving.

## III. Procedures

The crime analysis process shall be organized on five primary levels: data collection, data collation, analysis, report dissemination and feedback/evaluation.

### 1. Data Collection

The crime analysis function shall identify all essential information requirements for all analytical and reporting responsibilities. The unit shall communicate these requirements to this agency's chief executive and coordinate data recording and reporting procedures as necessary with the chief executive and his designates.

Crime data requirements include but are not necessarily limited to the following:

- Classification of crime
- Date and time of occurrence
- Time of police response
- Location of occurrence and demographics
- Victim and target characteristics
- Criminal suspect name/alias

- Criminal suspect characteristics
- Suspect vehicle
- Modus Operandi
- Physical evidence
- Stolen property record
- Responding officer/investigator
- Arrests/charges
- Case closures

Sources for the above data include the following records and reports:

- Dispatch
- Patrol incident
- Supplementary
- Arrest
- Investigative
- Field interrogation

## 2. Data Collation

- a. From the data elements and sources, crime analysts shall compile data into organized formats for subsequent comparison and analysis.
- b. Data shall be arranged so the relationships between data elements may be established.
- c. A system for ready retrieval of stored information shall be established.

## 3. Analysis

Analysis of crime-related data and information shall be focused in four primary areas: crime pattern detection, crime-suspect correlations, crime forecasts and resource allocation.

- a. Crime pattern detection shall be used to identify similarities among crimes that may be used for improved deployment and related purposes. At a minimum, analyses in relationship to geographic and offense patterns shall be correlated with suspect information, vehicle, M.O. and related files to establish investigative leads and tactical recommendations.
- b. Crime suspect correlations shall be performed where indicated to establish specific relationships between suspects and offenses. Suspect identifiers may be drawn from career criminal files, M.O. files, suspect vehicle files, field interrogation reports, arrest records and alias files where appropriate.
- c. Daily and weekly crime pattern reports shall be used in addition to other data to identify established or developing crime patterns. Where the quantity and consistency of information is available, target areas or locations shall be identified to assist in tactical and patrol deployment.
- d. Crime analysis personnel shall provide data and analyses support resource allocation, performance evaluation and efficiency assessments. This information shall be sufficient for decision making in the following areas and as otherwise directed by the agency chief executive:
  - Staffing in relationship to service demands and related priorities.

- Determining patrol areas.
- Allocating personnel
- Mode of patrol and number of officers assigned to specific units.
- Assessing workload imbalances
- Evaluating response times.
- Determining apprehension probabilities
- Service times

#### 4. Report Dissemination

The timeliness and format of crime analysis reports is vital to the usefulness of information generated. To that end, such reports shall:

- a. be tailored to meet the particular requirements of patrol, investigative and administrative personnel;
- b. arrive in a timely manner that allows a reasonable time for officers to develop and implement countermeasures and response strategies for the problem at hand;
- c. present in an objective manner that distinguishes conclusions from theories and indicates the degree of reliability of report conclusions; and
- d. make recommendations for combating identified problems.

#### 5. Feedback and Evaluation

Feedback from operational units in response to crime analysis unit reports and studies is essential to evaluate and improve the utility of this agency function and the effectiveness of various agency strategies, programs and tactics.

- a. Each report issued by the crime analysis function shall be accompanied by a standard crime analysis feedback form to be used to track and evaluate the effectiveness of enforcement actions and countermeasures.
- b. Operational units will address the crime or other problem areas identified and utilize data provided to develop and implement enforcement tactics, strategies and long-range plans.
- c. After appropriate action is completed, the feedback forms will be returned to the crime analysis unit for impact analysis.

### **Traffic Analysis**

In addition to analysis of crime activities and reports and related departmental responses, the crime analysis unit shall be responsible for collecting, collating, analyzing and distributing traffic accident information.

1. Traffic crash files shall be provided and used as the basis for identifying locations, times and causes for accidents.
2. Analysis of base data for three years shall be performed to identify trends and patterns in accidents and those locations having an abnormally high incidence of traffic collisions.
3. Selective enforcement recommendations and other strategies designed to reduce traffic accidents will be provided to appropriate operational units.

## **Coordination with Other Criminal Justice Agencies**

1. The crime analysis function shall coordinate its operations with other criminal justice agencies whenever appropriate and necessary to fulfill its mission or to support the common mission of the law enforcement community. This may include but is not limited to linkages with prosecuting attorneys; local, state and regional intelligence systems; and other local and state law enforcement and criminal justice agencies.
2. The crime analysis function shall be responsible for safeguarding the confidentiality and security of agency documents under its control.
  - a. Requests for information from outside agencies shall be forwarded to designated command personnel for approval. Release of information shall conform to state law at all times.
  - b. Requests for information from sworn or non-sworn personnel of this agency shall be made by inter-office memorandum to the commander of the crime analysis function.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>HIRING</b>		
<i>Effective Date:</i> <b>03/01/2007</b>	<i>Original Date:</i> <b>12/12/2001</b>	<i>Next Review:</i> <b>03/01/2009</b>
<i>Chapter</i> <b>13</b>	<i>Policy #</i> <b>13.10</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to establish procedures for hiring Missoula City Police Officers.

## II. Policy

This department recognizes the need to be staffed with sworn police officers who merit an extraordinarily high level of community trust. Included among the characteristics of an acceptable police officer are honesty and integrity, maturity, sound judgment, physical and moral courage, intelligence and the ability to learn, and the ability to communicate clearly and accurately in both verbal and written forms with the diverse elements of our community. Police officers must also be hired in a manner that is consistent with the policies set forth by the City of Missoula in Chapter 1, Section 01-02 of the City of Missoula Personnel Policies, and in accordance with the minimum qualifications set forth in Title 7-32-303, Montana Codes Annotated, and in accordance with minimum qualifications established by the Missoula Police Department.

## III. Definitions

A. *Applicants* are persons who are seeking employment with the Missoula Police Department, and who have submitted the following documents to the Missoula Police Department:

1. Standard Application for Position of Peace Officer in the State of Montana signed by the Applicant.
2. Missoula Police Department Personal History Statement signed by the Applicant.
3. Missoula Police Applicant Letter of Understanding signed by the Applicant and witnessed by a certified Notary Public.
4. Authorization to Release Information signed by the Applicant and witnessed by a certified Notary Public.

5. Applicant Information Certification signed by the Applicant and witnessed by a certified Notary Public.
6. Disclosure of Court Ordered Child Support signed by the Applicant and witnessed by a certified Notary Public.
7. Two (2) sets of fingerprints obtained by a law enforcement agency.
8. Form 8821 Tax Information Authorization signed by the Applicant.
9. Form 4506 Request for Copy of Transcript of Tax Form signed by the Applicant.
10. Certified copy of the applicant's birth certificate.
11. Photocopy of the Applicant's driver's license.
12. Photocopy of Selective Service Registration card, if applicable.
13. All marriage licenses and divorce decrees.
14. Any name change documents.
15. Military discharge papers if applicable.
16. High school diploma or GED certificate, or college diploma(s).
17. Certified official copies of all high school and/or college transcripts. **THE TRANSCRIPTS MUST BE PROVIDED IN A SEALED ENVELOPE DIRECTLY FROM THE SCHOOL(S).**
18. Valid passing scores on the certified Reading Skills, Writing Skills and Law Enforcement Officer tests. Written test scores are considered valid for twenty-four months after the date the tests were administered.
19. A valid score consisting of a cumulative point total of 28 points with 1 point scored in each of the four elements on the Montana Peace Officer Standards and Training Council (P.O.S.T) physical agility test. Scores on this test remain valid for six months following administration of the test.
  - This requirement is waived for applicants who possess a valid P.O.S.T. basic certificate and who have completed at least one year of service as a sworn law enforcement officer.
20. Copy of citizenship or naturalization papers if appropriate.
21. Documentation of any other factors which the applicant wishes to have considered.

Persons who fail to provide all of the above listed items will not be considered applicants, and will not be considered for employment.

- B. **Background Investigation Manager** is a Staff Officer of the rank of Assistant Chief of Police or Captain, who is appointed by the Chief of Police to manage all background investigations.
- C. **Conditional Offer of Employment** is defined as an offer of employment based upon the satisfaction of several conditions, including but not necessarily limited to:
1. Passing a physical examination conducted by a physician of the Department's choosing, and at the Department's expense. (Statutory requirement.)
  2. Passing a psychological examination conducted by a licensed professional of the Department's choosing and at the Department's expense. (Statutory requirement.)
  3. Passing a drug screen administered at the time of the physical examination. (Departmental requirement.)
  4. Passing the Montana P.O.S.T. physical agility test consisting of a cumulative point total of 28 points with 1 point scored in each of the four elements on the Montana Peace Officer Standards and Training Council (P.O.S.T) physical agility test to assure that the individual can successfully meet the training standards of the Montana Law Enforcement Academy Basic School.
  5. Resolution of any issues that may arise as a result of the physical and psychological examinations, drug screen, and physical agility test, as well as any other issues that are properly raised by the Department, the City of Missoula, or the Officer Candidate.
  6. Approval by the Missoula Police Commission, as required by Montana Statute.
- D. **Former Officers in Good Standing** are those Officers who have resigned or retired from the Missoula Police Department for reasons that are completely voluntary. ***Officers who leave employment with the Missoula Police Department as part of an agreement to avoid disciplinary action or criminal prosecution shall not be considered former officers in good standing.***
- E. **Former Officers Not In Good Standing** are those officers whose employment with the Missoula Police Department ended under conditions that, while voluntary, were nonetheless related to a course of disciplinary action, investigation for alleged criminal activity, or criminal prosecution.

- F. **Hiring Board:** Voting members of the Hiring Board include the Chief of Police and all Staff Officers (Assistant Chief of Police and Captains). Non-voting members of the Hiring Board shall include a representative of the City of Missoula Personnel Department, a member of the Missoula Police Commission, and any other person so appointed by the Chief of Police.
- G. **Hiring Pool:** Those Applicants who have been selected by the Hiring Board as eligible to receive a Conditional Offer of Employment.
- H. **Probationary Officers** are new Officers in their first year of employment or re-employment by the Missoula Police Department.
- I. **Terminated Officers** are those who have been terminated for cause from the Missoula Police Department.

#### IV. Procedures

##### NEW OFFICER APPLICATION AND HIRING.

- A. Persons inquiring at any time about employment as a Missoula City Police Officer will be given an information packet provided by the Administrative Division. The information will also be posted on the Police Department web site. It will include, at a minimum, a general description of the hiring process and a list of all material that an individual must submit in order to be considered an Applicant. The information may also contain additional recruiting information as directed by the Chief of Police or the Captain of the Administrative Division.
- B. Applications will be accepted and screened throughout the year. Selection of candidates for an offer of an interview will be conducted three times per year in conjunction with the Montana Law enforcement Academy basic school schedule.  
Persons who have not submitted complete applications by the posted application deadline date will not be considered during that cycle. The Department will not retain incomplete applications.
- C. Application screening for compliance with minimum State of Montana and Departmental qualifications will be performed by the Background Investigation Manager or a sworn officer under his/her supervision, and will be conducted in accordance with the Missoula Police Department Background Investigation Manual.
  - 1. Screening results will be documented in a preliminary background investigation report attached to the Applicant's file.
  - 2. During the screening process, the Background Investigation Manager may disqualify any Applicant not meeting the minimum qualifications set forth in the Background Investigation Manual.

All such reports are available to the Chief of Police and the Hiring Board for review at their discretion.

3. Applicants who are disqualified will be notified.

D. Unless otherwise directed by the Chief of Police, The Hiring Board will convene for interviews three (3) times per year in conjunction with the Montana Law Enforcement Basic Academy schedule.

1. Prior to the date when interviews begin, the voting members of the Hiring Board will review the preliminary background investigation reports of all Applicants who meet the minimum State of Montana and Departmental qualifications, and, by applying the standards set forth in Section IV.C of the Background Investigation Manual, select by majority vote those Applicants who will be offered an interview.

- a. Applicants who are not selected to be interviewed will be notified.

- b. In each case in which an applicant is not selected for an interview, the hiring board will supply a brief written summary of its reasons, which will be attached to the file.

2. Interviews will be conducted in a structured format before the entire Hiring Board. Each Applicant will be asked the same set of prepared questions, and Board members will be allowed to ask only those follow-up questions that seek to explore the applicant's original answer. All Board members will score each answer. Veteran's preference will be shown at this point in the process by increasing the total interview score of each veteran by five (5) percent, or ten (10) percent for disabled veterans. Based upon the voting members' scoring of each Applicant's interview, the Chief of Police selects those Applicants to be added to the Hiring Pool.

- a. Applicants not selected for the Hiring Pool will be notified.

E. Prior to being extended a Conditional Offer of Employment, Applicants in the Hiring Pool will undergo a completed background investigation conducted in accordance with the Background Investigation Manual under the direction of the Background Investigation Manager.

1. Based upon the completed background investigation report, the Hiring Board may remove an Applicant from the Hiring Pool based upon application of the qualifications set forth in Section IV.C. of the Background Investigation Manual.

2. Members of the Hiring Board will not have access to the raw data upon which the background investigation report is based.
- F. Applicants will remain in the hiring pool, with certain provisions.
1. Such Applicants must provide a personal history update, and participate in the interview process if requested during each cycle, and be selected by the Chief of Police to be retained in the Hiring Pool.
  2. Selection for the Hiring Pool during one interview cycle does not infer any preference in subsequent cycles.
  3. Applicants in the Hiring Pool must maintain valid POST physical agility scores. The POST physical agility scores expire after six (6) months.
- G. The decision to extend a Conditional Offer of Employment is made by the Chief of Police. The decision will be based upon the Chief's assessment of the credentials and performance of each Applicant as demonstrated during the entire hiring process, and the Chief's best judgment as to how each Applicant may best meet the needs of the Department.
- H. To ensure the integrity of the hiring process, all application materials, notes, interview questions and score sheets, background investigation reports and raw data from the background investigation will be made available to the City of Missoula Personnel Department.
- I. Probationary Period. Each new Police Officer must undergo a one-year probationary period, which begins with the date of employment. The Chief of Police may terminate probationary Police Officers without cause. In order to pass beyond the one-year probationary period, Police Officers must at a minimum:
1. Successfully complete the Montana Law Enforcement Academy Basic School and receive a P.O.S.T. Basic Certificate, unless the individual possesses a current Basic Certificate at the time of employment.
    - a. Those that hold a Basic Certificate or its equivalent from a state other than Montana must complete the Montana Law Enforcement Academy Legal Equivalency School within the one-year probationary period.
  2. Successfully complete the Missoula Police Department's Field Training Program.
  3. Be confirmed by the City Council in the position of Police Officer upon recommendation by the Chief of Police.

- J. Once all action required within the Police Department is completed on an application, that application and its supporting file will be forwarded to the City of Missoula Personnel Department for retention and disposition in accordance with City of Missoula policies.

**V. PROCEDURES FOR RE-EMPLOYMENT OF FORMER OFFICERS IN GOOD STANDING.**

- A. The decision to re-hire former officers in good standing is at the sole discretion of the Chief of Police, subject to the provisions of this policy.
- B. Former officers in good standing whose employment ended within the twelve months prior to the date of requested reinstatement shall not be subject to the procedures for complete re-application and hiring. However, they must satisfy the following conditions:
  - 1. Application by letter directly to the Chief of Police.
  - 2. Completion within the previous six months of the Montana P.O.S.T. certified physical fitness test with a score consisting of a cumulative point total of 28 points with 1 point scored in each of the four elements on the Montana Peace Officer Standards and Training Council (P.O.S.T) physical agility test.
  - 3. Successful completion of the physical and psychological examinations and drug screen required for new officers. The former officer must pay the costs of these examinations.
  - 4. Satisfactory completion of the Missoula Police Department's current firearms qualification course.
  - 5. The officer's work performance while with the Missoula Police Department must have been satisfactory in all areas, and he/she must not have received any Level II or higher discipline within the twelve months preceding retirement or resignation.
  - 6. Satisfactory results of a background investigation, which emphasizes the period of time after the former officer left employment with the Missoula Police Department. Background investigations for former officers in good standing will be structured to fit individual situations.
  - 7. Former officers in good standing who satisfy these requirements may be added to the current Hiring Pool by the Chief of Police and will be eligible to be hired for twenty-four (24) months under the following conditions.
    - a. Retirement and disability pension issues are governed by the appropriate fund.

- b. Former officers in good standing who return to duty must serve a one year probationary period, during which they are paid at the rate received by all probationary officers. Following satisfactory completion of the one (1) year probationary period, they will be paid at a rate that reflects their total years of service.
- c. Former officers in good standing return to duty at the rank of patrolman and at lowest point on the seniority list. At the conclusion of their one (1) year probationary period, the officer will be placed in the appropriate position on the department's seniority list.
- d. Former officers in good standing who return to duty are not eligible for promotion during their one year probationary period. However, once the probationary period has ended, the officer's total years of service shall be used to calculate time of service requirements for the purpose of promotion.
- e. Before the re-hiring of a former officer in good standing becomes final, it must be approved by the Missoula Police Commission, as required by Montana Statute.

C. Former officers in good standing whose employment ended more than twelve months prior to the requested date of re-instatement shall be treated as new applicants, and required to successfully complete all phases of the competitive hiring process as specified in Section IV of this policy before being offered re-employment.

D. **MILITARY LEAVE EXCEPTION.** The return of former officers who have been absent from the Department due to extended military service as part of the Reserve or National Guard will be managed in compliance with applicable State and Federal statutes.

**VI. LEAVES OF ABSENCE AND OTHER FORMS OF UNPAID LEAVE** shall be managed in accordance with existing City of Missoula Personnel Policies.

**VII. FORMER OFFICERS NOT IN GOOD STANDING** who make application to the Chief of Police for reinstatement will be evaluated on a case by case basis.

**VIII. TERMINATED OFFICERS** are not eligible for reemployment under any circumstances.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>FIELD TRAINING AND EVALUATION PROGRAM</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>06/12/2002</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>13</b>	<i>Policy #</i> <b>13.20</b>	<i>Distribution:</i>
<i>References:</i> <i>Hiring Process; Specialized Duty Assignments;</i>		

## I. Purpose

The purpose of this policy is to establish a highly-structured form of training and evaluation of new police officers.

## II. Policy

It is the purpose of this policy that all new members of the Missoula Police Department receive quality training, accompanied with accurate evaluations on the progress of the trainee. Such training will be employed under strict procedures, leading to a highly trained and positively motivated employee, capable of meeting or exceeding standards of performance required by the Missoula Police Department.

## III. Procedure

A. The Missoula Police Department's Field Training and Evaluation Program is an extension of the law enforcement selection process that combines pre-field training with objective evaluations to insure that the standards of a competent law enforcement officer are met. The goal of the Field Training and Evaluation process is to improve the overall effectiveness and efficiency of law enforcement service delivery by:

1. Improving the overall applicant screening process. The Field Training and Evaluation Program is one phase of this Department's overall applicant screen process designed to extend on-the-job observations and assessment.
2. Establishing a probationary police officer appraisal system. The program is designed to provide a valid, job-related, post-basic training evaluation of probationary law enforcement officer performance. The process utilizes a standardized and systematic approach to the documented measurement of a probationary law enforcement officer's performance.
3. Establishing a program review procedure. The program provides an appraisal system to measure the effectiveness of the Department's selection and training process by allowing feedback to the respective phases regarding their strengths and weaknesses.
4. Improving the probationary law enforcement training process. The program provides post-Basic Academy on-the-job training to probationary law

enforcement officers. Field Training Officers serve as role models to probationary officers in the development of the knowledge, skills, and abilities needed to perform patrol duties.

5. Establishing career opportunities within the Department. The Field Training and Evaluation Program is a career path within the Missoula Police Department. It provides incentive for the demonstration of proficiency in the knowledge, skills and abilities needed to perform patrol functions. While performing the duties of Field Training Officer (FTO), the officer gains experience and knowledge that increases leadership and evaluation skills and enhances career opportunities.

#### IV. ORGANIZATION

##### A. Field Training Unit Commander

1. The Field Training Unit Commander shall be the Captain of the Uniform Patrol Division, unless otherwise designated by the Chief of Police.
2. The Field Training Unit Commander shall be responsible for the general control and evaluation of the Field Training and Evaluation Program, and shall assume the staff monitoring of all probationary patrol officers for the duration of their probationary period.
3. The Field Training Unit Commander shall coordinate when appropriate the preparation of a statement of probationary officer development to date and submit it to the Chief of Police with a recommendation to confirm, extend field training and evaluation, or dismiss the probationary officer. All other Field Training Unit personnel and Uniform Patrol supervisors will be offered the opportunity to provide input for this evaluation.
4. The Field Training Commander shall seek advice and input from the Field Training Board and utilize the Board in coordination of scheduling and specialized training.

##### B. Field Training Unit Coordinator

1. The Field Training Unit Coordinator shall be a supervisory-level employee, preferably a lieutenant, designated by the Chief of Police.
2. The Field Training Unit Coordinator shall be responsible for assisting the Field Training Unit Commander with the general administration and evaluation of the Field Training and Evaluation Program and the staff monitoring of all probationary officers for the duration of their probationary period.
  - a) The coordinator shall monitor and evaluate the overall development of probationary officers during the probationary period for purposes of ascertaining any deficiencies and resolving them through training and retraining.

- b) The coordinator shall, in concert with the Field Training Unit Commander, be responsible for planning, directing and evaluating pre-determined field training assignments and any changes in such assignments or variations in the length of assignments.
- c) The coordinator shall work closely with shift supervisors of probationary officers during and after completion of the Field Training and Evaluation Program assignments to determine and correct any training deficiencies, and may recommend a recycling of a probationary officer for retraining.
- d) The coordinator shall periodically provide information relating to a probationary officer's progress to the officer's supervisor or staff officers.
- e) The coordinator shall conduct a comprehensive evaluation of each probationary officer and shall during the last month of the probationary period, when it is appropriate to do so, prepare a statement of the probationary officer's development and submit it to the Field Training Unit commander with a recommendation to confirm, extend field training and evaluation, or dismiss the officer. All other department supervisors and field training personnel will be offered the opportunity to provide input to assist in this final probationary period evaluation.

C) Field Training Supervisor (Sergeant)

- 1. The Field Training Sergeant has the responsibility of the training and evaluation of probationary personnel assigned to the patrol division during the Field Training and Evaluation Process. The Field Training Sergeant shall keep the other shift supervisors and command personnel informed of the progress of the probationary officer(s) assigned to his/her supervision.
- 2. The Field Training Sergeant must insure that the training and evaluation processes are completed. Various sources of information should be utilized to achieve these goals, including, but not limited to, daily observation reports, oral communications with FTOs and Unit personnel, tests, and personal observations of probationary officer's performance to summarize weekly progress.
- 3. The Field Training Sergeant is also responsible for the review of the probationary officer's Instruction Guide ( Task List) to determine if it is up to date and properly filled out. If it is not filled out, the Sergeant should determine the reason so, giving attention to the possible need for remedial training.
- 4. Reports written by the probationary officer also serve to identify deficiencies, in performance, knowledge, or training. The field

Training Sergeant is responsible for the review of these reports as is the FTO.

5. The Field Training Sergeant will oversee regular meetings of the FTOs. These meeting must occur before trainees move between phases. The Field Training Sergeant must ensure that the FTOs discuss the strengths and weaknesses of each trainee in order to direct training.
6. The Field Training Sergeant must monitor the overall training of probationary officer(s) assigned to his/her supervision to insure program standards are being met.

D) Field Training Officer

1. Candidates for Field Training Officer (FTO) will be selected by an approved process, and their names shall be submitted for consideration and interview to the Field Training Board. The Board will submit a recommendation to the Field Training Unit Commander concerning the candidate and the final appointment will be made by the Field Training Commander. Qualifications shall include a minimum of two year's work experience in Uniform Patrol, overall work performance, and personal interest in training
2. The FTO shall be responsible for the training and evaluation of the probationary officer(s) when assigned to him/her, as directed by the Field Training Sergeant.
3. The FTO is the essential means by which the goals of the Program are achieved, specifically, the production of a law enforcement officer capable for working in a solo assignment in a safe, skillful, productive and professional manner.
4. The FTO has two primary roles to fulfill, that of a police officer assuming full patrol responsibility, and that of a trainer and evaluator of probationary officers.
5. The FTO may be released from field training and evaluation duties as follows:
  - a) At the direction of the Chief of Police, or his designee;
  - b) At the request of the individual he is training, and;
  - c) By transfer to a division other than Uniform Patrol.

**V. ASSIGNMENT OF PROBATIONARY OFFICERS**

- A. Probationary officers shall be assigned to the Uniform Patrol Division, unless otherwise ordered by the Chief of Police.
- B. Upon completion of P.O.S.T. Basic training, each probationary officer assigned to the Uniform Patrol Division shall be placed in a Field Training and Evaluation assignment under the supervision of the Field Training Sergeant and a Field Training Officer (FTO).

1. The field training assignment shall be predetermined in the field training curriculum, and will be varied only when a probationary officer needs retraining.
  2. The Field Training Unit Commander, with the approval of the Chief of Police, may continue the field training assignment for a probationary officer beyond the predetermined time should the need for further training and evaluation become apparent.
  3. Probationary officers assigned to organizational units other than the Uniform Patrol Division need not be assigned to Field Training Officers.
  4. The Field Training and Evaluation Program shall be divided into four (4) steps or phases for not less than 56 working days (560 hours). This is based on a 10-hour workday.
    - a. Phase One – Sixteen (16) working days duration.
      - 1) For the first four (4) working days, the probationary officer rides as an observer. No evaluations (Daily Observation Reports) are required. This portion of Phase One is for training purposes only and is commonly referred to as “Limbo.”
      - 2) A minimum of twelve (12) working days for structured training and evaluation. (More than twelve (12) working days may occur depending on working schedules.)
    - b. Phase Two – Sixteen (16) working days duration.
      - 1) Begins with assignment to a different FTO and preferably a different shift.
      - 2) Phase Two is for training and evaluation.
    - c. Phase Three – Sixteen (16) working days duration.
      - 1) Begins with assignment to a different FTO and preferably a different shift.
      - 2) Phase Three is for training and evaluation.
    - d. Phase Four – Eight (8) working days duration.
      - 1) Begins with assignment to a different FTO and preferably a different shift.
      - 2) Phase Four is an evaluation period only. During Phase Four, the FTO will work in plain clothes and the probationary officer in uniform.
      - 3) Formal Field Training is completed at the end of Phase Four.
- C. Balance of Probationary Period
1. Solo performance by the probationary officer. (Solo performance is when the probationary officer is considered as an individual officer

for manpower staffing levels, regardless of whether working in a single car or a two-man car.)

2. Shift supervisors will complete a probationary officer monthly evaluation.

## **VI. EXTENSION OF TRAINING**

- A. The Field Training and Evaluation period may be extended for the probationary officer upon recommendation of the Field Training Board, or at the discretion of the Chief of Police.

## **VII. TRAINING/WORKING DAYS**

- A. Probationary officers are credited for a training/working day only if assigned with a Field Training Officer or Field Training Sergeant and a formal evaluation is completed (Daily Observation Report). This period shall consist of fifty-six (56) working days (560 hours). This is based on a 10-hour workday.

## **VIII. EVALUATION PROCESS**

- A. Daily Observation Report
  1. Completed by the FTO for each workday. The first week of Phase 1 will only include a narrative, with no scoring for least/most satisfactory category.
- B. Bi-weekly Evaluation Report
  1. This is a summary report for the previous two (2) weeks performance. This is prepared by the FTO for the current Phase for the review of the Field Training Sergeant.
- C. End of Phase Evaluation Report
  1. This is a summary of the entire phase during which a trainee received training from an FTO. This report will be completed by the FTO and reviewed by the Field Training Sergeant prior to the trainee moving between phases.
- D. Report Evaluation
  1. Completed by the FTO and reviewed with the probationary officer periodically, as deemed necessary by the FTO.
- E. Evaluation of the FTO
  1. Completed by the probationary officer at the completion of each phase of the Field Training and Evaluation Program. FTOs will receive the evaluations when the trainee has completed the entire program.

F. Examinations

1. Examinations covering various training topics or scenarios will be conducted at the end of each week of training, or more frequently at the discretion of the FTO or Field Training Sergeant. A score of 70% will be required as a passing grade for all examinations.

Should a trainee receive a score less than 70%, the trainee will be re-tested on his/her next work week and the score will be noted in the DOR for that day.

G. Monthly Evaluation Report

1. Completed by the shift supervisor.
  - a. At the completion of Phase Four, the Field Training Unit Coordinator will ensure that monthly evaluations are continued until the balance of the probationary period is completed.
  - b. The Monthly Evaluation Reports will be reviewed by the Field Training Unit Commander

**IX. FIELD TRAINING BOARD**

A. The Field Training Board shall consist of:

1. Field Training Commander
2. Field Training Coordinator
3. Field Training Sergeant
4. At least one current FTO

B. Field Training Board Action

1. Required to recommend an extension of the Field Training period.
2. Interview and development of Field Training Officer candidates.

**X. RECRUIT TERMINATION PROCESS**

A. At any time during the Field Training and Evaluation Program that a probationary officer is performing at an unsatisfactory level, a recommendation for termination may be initiated.

B. Memoranda and recommendations for termination are sent to the Field Training Commander.

1. The Field Training Commander shall gather all memoranda and recommendations and ensure that all supporting data is attached.
2. If the Field Training Commander concurs with the recommendation for termination, the Field Training Unit Commander will prepare a detailed report and send it via the chain of command to the Chief of Police

- C. The Chief of Police, or his designee, will make the administrative decision reference the requested dismissal.
1. If the Chief of Police concurs with the recommendation for termination, the probationary officer will be relieved of duty and scheduled for a pre-termination hearing within seventy-two (72) hours of such notification.
  2. The Chief of Police shall preside over the pre-termination hearing at which time the Field Training Commander shall present the reasons for the termination recommendation. The probationary officer shall be afforded an opportunity to respond to the allegations of unacceptable performance.
  3. The Chief of Police shall make the final decision reference dismissal.

## **XI. DISPOSITION OF FIELD TRAINING EVALUATIONS**

- A. Upon completion of the probationary officer's Field Training Board Action or termination, his/her Field Training and Evaluation Program forms will be filed as follows:
1. Department personnel file
    - a. Field Training Board Action report
    - b. All termination paperwork, if applicable
  2. Department training file
    - a. All other Field Training and Evaluation program files.

**Field Training and Evaluation Program files are confidential and shall be reviewed only by persons with a "need to know" upon the approval of the Chief of Police, or his designee.**



## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>PERFORMANCE APPRAISALS</b>		
<i>Effective Date:</i> <b>12/05/2006</b>	<i>Original Date:</i> <b>9/89</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>13</b>	<i>Policy #</i> <b>13.40</b>	<i>Distribution:</i>
<i>References:</i> <i>Discipline and Performance Improvement; Collective Bargaining Agreement</i>		

- a) The purpose of the performance appraisal is to provide the employee with necessary behavior modification information to allow him to maintain behaviors which are appropriate and to eliminate those behaviors which are inappropriate, from the Department's standpoint.
- b) Criteria used for performance appraisals are specific to the position occupied and are the tasks of the position.
- c) Annual performance appraisals are based only on performance during the year prior to the anniversary date of the person being appraised and the performance of the employee prior to or following the rating period will be excluded in the ratings.

All probationary officers will be appraised at least monthly in order to determine at the earliest point their suitability for continued employment as an officer. The principal objective of supervisors appraising probationary officers is to ascertain whether they can actually perform the required functions. Appraisals that mainly address how efficient the functions are performed will occur after the officer becomes a permanent member.

If possible, probationary officers will be rotated through all teams to obtain collective observations and judgments of several supervisors. This information will help determine the officer's use of skills acquired during training and his ability to function in the real world of law enforcement

Civilian personnel performance will be appraised midway through their probationary period. Probationary period is designated either by union contract or City Policy.

- d) **Raters:** The performance appraisal rater will be the immediate supervisor. If personnel have been supervised by more than one supervisor during the rating period, the rating supervisor will confer with the other supervisors.
- e) **Rater Responsibility:** The rater will counsel personnel at the beginning of the rating period concerning the specific duties and responsibilities of the position and what is expected of the employee in carrying these out. Counseling by the rater will occur at any time during the rating period when deemed necessary.

The rater will participate in an interview with the employee to review the completed appraisal report. The rater will also be prepared to fully substantiate ratings in the lowest or highest categories and give specific reasons for the ratings.

- f) Each performance appraisal will be reviewed and signed by the employee's supervisor. If the employee is in disagreement with the contents of the appraisal, he may submit a written rebuttal within ten (10) days that will be attached to his appraisal form.

Supervisors will appraise rates regarding the fairness and impartiality of ratings given, their participation in counseling and guidance for personnel and their ability to carry out the rater's role in the performance appraisal system.

- g) Performance appraisals remain on file permanently in the employee's individual personnel file. Only those persons who are supervisors of the appraised employee shall have access to the performance appraisals of the personnel they supervise.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>SPECIALIZED DUTY ASSIGNMENTS</b>		
<i>Effective Date:</i> <b>11/01/2005</b>	<i>Original Date:</i> <b>11/01/2005</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>13</b>	<i>Policy #</i> <b>13.50</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to provide guidelines for the selection of qualified persons for assignment to any specialized duty position. Specialized duty positions include but are not limited to; school resource officers, K9 handlers, motors or other traffic unit positions, field training officers, detectives, narcotics, drug recognition experts, special teams positions, target enforcement unit, and other non call-for-service first responder positions.

## II. Policy

Officers will be selected in a manner consistent with the specific duty assignment needs and the minimum eligibility standards established by this policy. Temporary or short term project assignments are exempt from this policy.

## III. Authority:

The Chief of Police has the authority to waive any portion of this policy. Any portion waived will be stated in the written announcement of the transfer process.

## IV. Eligibility:

- A. Confirmed police officer with the Missoula Police Department.
- B. Depending on the specific duty assignment additional mandatory years of continuous service may be required.
- C. No level two or level three disciplinary proceedings within the last twelve- (12) months, as defined in the City of Missoula Personnel Policy Manual.

Exception: In the event there is a selection pool created any officer who is not eligible but will meet the eligibility requirements within the specified duration of the pool may apply and if selected to the pool may be considered for selection when eligible.

**V. Application and Administration:**

- A. The Chief of Police will determine when an opening in any unit or division exists.
- B. The appropriate Division Captain will, by posted memo, announce the start of the assignment selection process. The announcement will contain the eligibility requirements, job description, applicant eligibility pool conditions, commitment conditions if any exist and process elements involved.
- C. To be considered for assignment, officers wishing to participate in the assignment selection process who meet the eligibility criteria set forth in this policy and in the announcement memo must:
  - 1. Apply in writing and in further accordance with the terms of the announcement no later than 30 days after the date posted.
- D. The process will consist of one or more of the following:
  - 1. An evaluation of a select number of reports prepared by each candidate in the past year.
  - 2. Performance appraisal review of past two (2) years annual performance appraisals.
  - 3. Supervisor assessment and comments.
  - 4. Applicant resume
  - 5. Oral interview
  - 6. Practical exercises
  - 7. Physical agility
- E. A selection board will be appointed by the Division Captain and approved by the Chief of Police.
- F. At the conclusion of the selection process the Division Captain will provide the Chief of Police with a list of eligible candidates determined by the selection board along with recommendations for his / her approval.
- G. Depending on the position a pool of candidates may be created for future selections. If a pool of candidates is created, it will remain active and in effect for a length of time specified in the announcement memo.
- H. Upon completion of the process all applicants will receive notice of their eligibility status and inclusion in a pool if applicable

## **VI. Selection Process:**

**These guidelines will be used when the selection process includes any of the following**

### **A. Report evaluation:**

1. A select number of reports prepared by the candidate during the past year will be reviewed by the selection board for content, composition and thoroughness of the investigation.

### **B. Performance Appraisals:**

Two annual performance appraisals will be reviewed and evaluated.

### **C. Applicant Resume:**

1. The candidates will be asked to prepare a brief resume / personal assessment including:
  - a. Experience
  - b. Past training
  - c. Professional goals and aspirations
  - d. Training and skills needed to fulfill the assignment

### **D. Interview:**

1. The interview may include:
  - a. Oral questions that pertain generally to the candidates:
    - Adaptability and suitability to function in the assignment
    - Personal motivation for assignment to the position.
  - b. All candidates will be asked the same set of questions.

### **E. Practical Exercises**

1. Exercises as part of the selection process may include one or more of the following:
  - a. Video simulation exercise
  - b. Report writing exercise
  - c. Written essay exercise
  - d. Preparation of an investigative plan, lesson plan etc.
  - e. Problem solving exercise

### **F. Physical Agility**

1. A physical fitness / agility assessment will include job related physical performance standards appropriate to the position.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>PROMOTIONS</b>		
<b>Effective Date:</b> <b>12/01/2006</b>	<b>Original Date:</b> <b>03/01/2001</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b> <b>13</b>	<b>Policy #</b> <b>13.60</b>	<b>Distribution:</b>
<b>References:</b> <i>Specialized Duty Assignments, Job Descriptions, MCA Title 41, 44, 45, 46 and 61, Missoula City Ordinances, Missoula Police Dept. Policies and Rules and Regulations, Missoula Police Association Contract, Local Govt Police Management, 3rd Edition Incident Command System Fire Protection Publications, Missoula City - County Disaster Plan, Missoula Police Dept. HAZ - MAT Manual, Missoula Police Dept. Standard Operating Procedures, Published Court Decisions (Federal and State), Montana Board of Crime Control Police Aptitude Test, City of Missoula Policies (Blue Book), Tasks Analyses and Job Descriptions, Desk SOPs and ICMA - Effective Supervision</i>		

## I. Purpose

The purpose of this policy is to provide for the promotion of qualified officers to the ranks of Sergeant and Lieutenant.

## II. Policy

It is the policy of the Missoula Police Department to develop and select members from within to serve as formal leaders, managers and supervisors. In furtherance of positive team building, and to strengthen the potential for promotion of all officers, the Department is dedicated to providing training opportunities for those officers, and to developing their leadership abilities to the fullest extent possible. While the Department fully recognizes its responsibility to develop officers to their fullest potential, the resolution to learn and to develop supervisory and leadership skills and to participate in the promotion process ultimately rests with the individual officer.

## III. Authority

The Chief of Police has the authority to waive any portion of this Promotion Policy. Any portion waived will be stated in the written announcement of the promotional process. In an absence of applicants, the Chief of Police reserves the right to make appointments at his discretion.

## IV. Procedure

In order to ensure fairness and objectivity, the City of Missoula Personnel/EEO officer will provide administrative oversight and validation of all facets of the promotion process.

## A. PROMOTION ANNOUNCEMENT AND APPLICATION

1. **Promotion Announcement.** The process for promotion to Sergeant and/or Lieutenant will begin with an announcement posted by the Chief of Police. Promotion Announcements will be made as the needs of the Department dictate and at the discretion of the Chief of Police.

At the time of announcement, informational packets will be made available through the Administrative Division to all interested officers. Those packets will include a description of the process, assignment of three exercises to be completed by applicants, a summary of additional required materials, and a list of deadlines for the various steps in the process.

2. **Application.** To be considered for promotion to the rank of Sergeant or Lieutenant, officers meeting the eligibility criteria set forth below and wishing to participate in the promotion process must:

- (a) Apply in writing and in further accordance with the terms of the Promotion Announcement no later than thirty (30) days after the date that the Promotion Announcement is posted. The written application should specify how the officer meets the eligibility requirements, and also include any supporting documentation.
- (b) Meet all deadlines set forth in the informational packet.
- (c) APPLICANTS FOR SERGEANT will be required to submit:
  - i. Completed results of any exercises assigned within the informational packet;
  - ii. Three (3) reports prepared by the applicant during the previous twelve (12) months. These may include call-for-service reports, reports prepared by the officer as part of a problem solving assignment, or any other report that was prepared by the officer in his/her official capacity and submitted to a superior officer.
  - iii. A resume: detailing the applicant's self-development, experience, and professional accomplishments.
  - iv. Additional exercises will be assigned during the Promotion Board phase of the promotion process. (See point B.3.(b).i below.)
- (d) Applicants for LIEUTENANT will be required to submit:
  - i. Completed responses to any exercises assigned within the informational packet;

- ii. A resume detailing the applicant's self-development, experience, and professional accomplishments.
- iii. Additional exercises will be assigned during the Promotion Board phase of the promotion process. (See point C.2.(e) below.)

## **B. PROMOTION TO SERGEANT**

**1. ELIGIBILITY.** Officers are eligible to apply for promotion to Sergeant if they meet the following criteria at the time the Promotion Announcement is posted:

- a. Length of service:
  - i. Nine (9) years full time professional law enforcement work, at least three (3) of which were served as an officer with the Missoula Police Department, OR
  - ii. Seven (7) years full time as an officer, three (3) of which must be with the Missoula Police Department, PLUS an AA or AAS in Police Science or related field, or a Bachelor's degree in any field.
- b. 200 hours of department approved training, excluding P.O.S.T. Basic, Basic Field Training, and on-going specialized training;
- c. Possess a valid Montana driver's license;
- d. Submit score, (minimum 80% or better) from the Department's written knowledge examination, taken within past 12 months. The examination will be prepared by the Administrative Division and be reviewed by the City Attorney and the Personnel/EEO Officer.

The 100-200 question examination will consist of true/false, yes/no, multiple choice and fill-in questions from Federal, State and local laws and Ordinances, City of Missoula and Police Department Policies, Rules and Regulations, known Department standards expectations, the Missoula Police Association contract, court procedures, case law, and those sources listed in the Promotion Policy Source Appendix.

The examination will be administered by the Administrative Captain or his designee. Examination sessions will be scheduled multiple times and in a manner to accommodate officers working night shift. The examination will be scheduled during the month of March each year.



Officers may not take the examination while on duty, and overtime is not authorized. Officers may take the examination only once per year.

- e. To be eligible to apply for promotion to Sergeant, an officer must not have been the subject of formal discipline as follows:
  - i. Level II, as defined by the City of Missoula Policy Manual, disciplinary action, within the twelve (12) months prior to the date that the Promotion Announcement is posted;
  - ii. Level III and higher, as defined by the City of Missoula Policy Manual, within the two (2) years prior to the date that the Promotion Announcement is posted.
  - iii. Exception: If the only disciplinary action within the six (6) months preceding the promotion process is for missed trial(s), the officer will be considered eligible for promotion.
- f. With one exception, any officer who does not meet all eligibility requirements at the time the Promotion Announcement is posted, but will meet them within the twelve (12) months immediately following, may participate and accrue scores in the current process. However, such officers may not be promoted until that point during the twelve month period at which all eligibility requirements are met.
  - i. Exception: Officers who have been reduced from the rank of Probationary Sergeant within the twelve (12) months prior to the date that the Promotion Announcement is posted are not eligible for promotion under the current process.

## **2. ADMINISTRATION**

- a. For all eligible officers, selection for promotion to Sergeant will be further conducted in two phases:
  - i. **LIEUTENANTS AND SERGEANTS REVIEW BOARD**, which consists of Missoula Police Department officers of the appropriate rank who are appointed to the board by the Chief of Police. The Chief of Police may also appoint to this Board a non-supervisory member of the Missoula Police Association, who will serve in a non-scoring capacity.
  - ii. **PROMOTION BOARD**. Also appointed by the Chief of Police, this board will include Missoula Police officers of the rank of Lieutenant and above. The Promotion Board

may include members selected from outside the Missoula Police Department, and a member of the Missoula Police Association. However, Promotion Board members appointed either from outside the Police Department or as a representative of the Missoula Police Association shall not be considered voting members of the Board.

- iii. Membership of both Boards shall stand until the need for change arises due to such factors as retirements, terminations, promotions, an individual members request for removal from the board, or at the discretion of the Chief of Police.

**3. SELECTION PROCESS.** Promotions will be based upon a thorough evaluation of previous performance, displayed skills, attitude and knowledge, as evidenced by performance appraisals, and other means of evaluation as described below.

- a. The LIEUTENANTS AND SERGEANTS REVIEW BOARD will review and score materials from each applicant as follows:
  - i. EXERCISES assigned within informational packet. 10 points per exercise, 30 points maximum;
  - ii. Most current PERFORMANCE APPRAISAL. 10 points for each of the three categories, 30 points maximum;
  - iii. THREE (3) REPORTS submitted by the applicant. These reports will be scored based on writing ability, accuracy, and problem solving skills. 10 points per report, 30 points maximum.
  - iv. Officers receiving a minimum of 63 (70%) of the total available 90 points will advance to the Promotion Board phase of the process.
- b. The PROMOTION BOARD will interview and further evaluate all applicants who are passed forward by the Lieutenants and Sergeants Review Board.
  - i. On the day of the scheduled interview, applicants will be given one or more additional exercises, which they must complete and submit to the Promotion Board at the beginning of the interview. Each exercise will assigned a score of 1—10 by each voting member of the board.
  - ii. Members of the Promotion Board will evaluate each applicant's resume based on self-development, experience, and professional accomplishments. Each voting member will assign resumes a score. The total number of points

available to be assigned to the resume is variable with each process and will be assigned so that the resume constitutes 20% of the cumulative interview points that may be awarded by the Promotion Board.

- iii. Each applicant will be asked the same interview questions. Questions will be prepared in advance by the Administrative Division of the Police Department in consultation with the Personnel/EEO Officer. Voting members of the Promotion Board will assign each response a score of 1—10.
- iv. Using scores from the written knowledge test, the Sgt. /Lt. Review board and the interview, the Promotion Board will rank the applicants. All work products from the Promotion Board's evaluative process will be forwarded to the Personnel/EEO Officer for validation, and to the Chief of Police for final promotion selection(s). The Chief of Police may, at his discretion, conduct personal interviews with one or more of the candidates prior to making his selection(s).
- v. Applicant rankings will remain in effect for a period of time that is at the discretion of the Chief of Police. Any officer declining promotion will remain in consideration for promotion for the life of the current rankings.

#### **4. ONE (1) YEAR PROBATIONARY PERIOD**

- a. Probationary Sergeants are expected to perform the full range of duties as described in the Sergeant Job Description and Sergeant Tasks Analysis immediately upon promotion.
- b. Probationary Sergeants' police, supervisory and leadership skills and overall development will be assessed quarterly during that year.
  - i. The respective Division Captain is responsible for these assessments; however, all supervisory officers may be required to participate in the evaluation process to ensure a comprehensive assessment of the probationer's performance.
  - ii. Criteria for assessments will be those specified on the department's standard performance appraisal form, which evaluates demonstrated supervisory, leadership and management skills and identifies those behaviors and/or skill levels requiring improvement and addresses methods for improving any and all noted deficiencies.

- c. A probationary Sergeant will NOT be confirmed if his/her final assessment reflects non-acceptable standards in any area of assessment.
- d. At any time during the probationary period, the Chief of Police may reduce the probationer to his/her previous rank as a result of substandard performance or development as documented by the aforementioned assessments.

Likewise, in response to exceptional performance, the Chief of Police may also shorten the probationary period at his discretion.

- e. Probationary Sergeants must complete a P.O.S.T certified First Line Supervisor school during the one year probationary period, if they have not completed that training prior to promotion.
- f. Upon successful completion of the probationary period and recommendation of the Probationary Sergeant's Division Captain, the Chief of Police will confirm the promotion.

## **5. REVIEW OF THE PROMOTION PROCESS**

Any officer may request a review of any aspect of the promotion process by submitting a letter to the Chief of Police within fourteen (14) calendar days after the selection has been posted. The review procedure will be conducted by the Chief of Police and Personnel/EEO Officer.

## **C. PROMOTION TO LIEUTENANT**

- 1. **ELIGIBILITY.** Officers are eligible to apply for promotion to Lieutenant if they meet the following criteria on the date that the promotion announcement is posted:
  - a. Confirmed in the rank of Sergeant.
  - b. Length of Service/Time in Grade:
    - i. Ten (10) years full-time professional law enforcement work, at least two (2) of which include supervisory responsibility as a confirmed, probationary or acting Sergeant, or Corporal with the Missoula Police Department, OR;
    - ii. Eight (8) years full-time as an officer, three (3) of which must have been with the Missoula Police Department and include two (2) years as a confirmed, probationary or acting Sergeant, or Corporal, PLUS an AA or AAS degree in political science or a related field, or a Bachelor's degree in any field.

- c. 400 hours of specialized training, excluding P.O.S.T. Basic and Basic Field Training and on-going specialized training.
- d. Eligible for his/her Montana P.O.S.T. Supervisory Certificate.
- e. Possess valid Montana driver's license.
- f. To be eligible to apply for promotion to Lieutenant, an officer must not have not been the subject of formal discipline as follows:
  - i. Level II disciplinary action, as defined by the City of Missoula Policy Manual, within the twelve (12) months prior to the date that the Promotion Announcement is posted;
  - ii. Level III or higher disciplinary action, as defined by the City of Missoula Policy Manual, within the two (2) years prior to the date that the Promotion Announcement is posted.
  - iii. Exception: If the only disciplinary action within the six (6) months immediately preceding the promotion process is for missed trial(s), the officer will be considered eligible for promotion.
- g. With one exception, any officer who does not meet all the eligibility requirements at the time the Promotion Announcement is posted, but will meet them within the twelve (12) months immediately following, may participate and accrue scores in the current process. However, such officers may not be promoted until that point during the twelve month period at which all eligibility requirements are met.
  - i. Exception: Officers who have been reduced from the rank of Probationary Lieutenant within the twelve (12) months prior to the date that the Promotion Announcement is posted are not eligible for promotion under the current process.

2. **SELECTION PROCESS.** Unlike the process for promotion to Sergeant, the promotion process for Lieutenant does not utilize a Lieutenants and Sergeants Review Committee. However, it does use a Promotion Board, which is appointed by the Chief of Police. The Board will include Missoula Police Officers of the rank of Lieutenant and above, and may include members selected from outside the Missoula Police Department, and a member of the Missoula Police Association. However, Promotion Board members appointed either from outside the Police Department or as

a representative of the Missoula Police Association shall not be considered voting members of the Board. The Promotion Board will:

- a. Evaluate each applicant's resume based on self-development, experience and professional accomplishments. Each voting member of the Promotion Board will assign resumes a score of 1—10.
- b. Each applicant's most current performance appraisal will be reviewed, and each voting member of the Promotion Board will assign the performance appraisal a score of 1—10.
- c. Each applicant will be interviewed by the Promotion Board. Questions will be prepared in advance by the Administrative Division of the Police Department in consultation with the Personnel/EEO Officer. Voting members of the Promotion Board will assign each response a score of 1—10.
- d. Evaluate all exercises assigned within the informational packet and previously submitted. Voting members of the Promotion Board will assign exercise a score of 1—10.
- e. On the day of the scheduled interview, applicants will be given one or more additional exercises, which must be completed and submitted to the Promotion Board at the beginning of the interview. Each exercise will be assigned a score of 1—10 by each voting member of the Promotion Board.
- f. When the Promotion Board evaluates each candidate's standing in the process, the exercises, resume, performance appraisal and interview will not be given any weighted value relative to one another.
- g. Based upon the totality of its work, the Promotion Board will rank the applicants. All work products from the Promotion Board's evaluative process will be forwarded to the Personnel/EEO Officer for validation. The names of the top three applicants will be forwarded to the Chief of Police for final promotion selection(s). The Chief of Police may, at his discretion, conduct personal interviews with one or more of the applicants prior to making his selection(s).
- h. Applicant rankings will remain in effect for a period of time that is at the discretion of the Chief of Police. Any officer declining promotion will remain in consideration for promotion for the life of the current rankings.

### 3. ONE (1) YEAR PROBATIONARY PERIOD

- a. Probationary Lieutenants are expected to perform the full range of duties as described in the Lieutenant Job Description and Lieutenant Tasks Analysis immediately upon promotion.
- b. Probationary Lieutenant's police, leadership and management skills and overall development will be assessed quarterly during that year.
  - i. The respective Division Captain is responsible for these assessments, however, all Staff Officers and other Lieutenants may be required to participate in order to ensure a comprehensive assessment of the probationer's performance.
  - ii. Criteria for assessments will be those specified on the department's standard performance appraisal form, which evaluates demonstrated supervisory, leadership and management skills, and identifies those behaviors and/or skill levels requiring improvement, and addresses methods for improving any and all noted deficiencies.
  - iii. A probationary lieutenant will not be confirmed if his/her final assessment reflects non-acceptable standards in any area of assessment.
  - iv. At any time during the probationary period, the Chief of Police may reduce the probationer to his/her previous rank of Sergeant as a result of substandard performance or development as documented by the aforementioned assessments.

Likewise, in response to exceptional performance, the Chief of Police may also shorten the probationary period at his discretion.
  - v. Upon successful completion of the probationary period and recommendation of the Probationary Lieutenant's Division Captain, the Chief of Police will confirm the promotion.

4. **REVIEW OF THE PROMOTION PROCESS.** Any officer may request a review of any aspect of the promotion process by submitting a letter to the Chief of Police within fourteen (14) calendar days after the selection has been posted. The review procedure will be conducted by the Chief of police and the Personnel/EEO Officer.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>SECONDARY EMPLOYMENT</b>		
<i>Effective Date:</i> <b>05/17/2002</b>	<i>Original Date:</i> <b>05/17/2002</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>13</b>	<i>Policy #</i> <b>13.70</b>	<i>Distribution:</i>
<i>References:</i> <i>Extra Duty Employment Worksheet; Agreement for Special Event Police Services Contract Forms; Code of Ethics; Canon of Ethics</i>		

## I. Purpose

In all cases of outside employment, for all members of the department, the primary duty, obligation and responsibility of a department employee is, at all times, to the Police Department. Since the nature of law enforcement requires department employees to work irregular duty schedules and certain occupations inherently conflict with an employee's primary responsibility to the department, the department may impose restrictions on outside employment.

The purpose of this policy is to set forth guidelines to govern secondary employment by members of the Missoula Police Department.

## II. Policy

The policy of the Missoula Police Department is to provide guidelines to law enforcement employees to inform them of types of secondary employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of officers, the agency and the community.

## III. Definitions

- A. *Employment:* The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.
- B. *Extra-Duty Employment:* Any employment that is conditioned on the actual or potential use of law enforcement powers by the off duty police officer employee.
- C. *Off duty employment:* Any employment that will not require the use or potential use of law enforcement powers by the off-duty officer.
- D. *Conflict of Interest:* Any employment activity that is illegal, inconsistent, incompatible or in opposition to the duties, functions and/or responsibilities with this department.



- E. *Charitable Service:* Charitable service is defined a police service, in uniform, in which an officer provides a service as a charitable donation to a recognized non-profit organization. An officer may request permission to provide this type of service in uniform representing the department from a staff officer. Upon approval by a staff officer, the police officer may perform this duty at no cost to the department.

#### IV. Procedures

- A. Off duty employment: Employees may engage in off duty employment that meets the following criteria:
1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
  2. Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Some examples of employment representing a conflict of interest include, but are not limited to, the following:
    - a. Officers who work serving civil process papers, re-possessing vehicles, collecting bills, the business of towing vehicles or any other employment in which police authority might be used to collect money or merchandise for private purposes.
    - b. Work involving personnel or background investigations for the private sector or any employment that might require the police officer to have access to police information, files, records or services as a condition of employment.
    - c. Employment using the police uniform, (badge), in the performance of tasks other than those of a police nature.
    - d. Employment that assists, (in any manner), the case preparation for the defense in any criminal action or for either side in any civil action or proceeding.
    - e. Officers who work for a business or labor group that is on strike.
  3. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupational. Examples of employment that constitute such a threat and should be denied include, but are not limited to:
    - a. Establishments that sell pornographic books or magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.
    - b. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
    - c. Any gambling establishment.

- B. Extra-Duty Employment: Police officers may engage in extra-duty employment as follows:
1. Where a government, profit-making, or not-for-profit entity has a contract agreement with the police agency for police officers in uniform who are able to exercise their police duties.
  2. Types of extra-duty services that may be considered for contracting are as follows:
    - a. Traffic control and pedestrian safety
    - b. Crowd control
    - c. Security and protection of life and property
    - d. Routine law enforcement for public authorities, (high school events and University of Montana events)
    - e. Plainclothes assignments
- C. Limitations on off duty employment and extra-duty employment are as follows:
1. In order to be eligible for extra duty employment, a police employee must be in good standing with the agency. Continued agency approval of a police employee's extra duty employment is contingent on such good standing. In order to be considered to be in good standing, the officer must not have been the subject of formal discipline at Level II or higher as defined by the City of Missoula Policy manual within the past 12 months.
  2. Those officers who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in extra-duty employment.
  3. Prior to obtaining extra duty employment, a police employee shall complete the Extra Duty Employment Worksheet and have it approved by a Staff Officer as well as the Agreement for Purchases of Special Event Police Services which needs additional City Administration authorization.
  4. Probationary officers who have completed Field Training Officer course may work extra duty employment while with a confirmed officer.
  5. Work hours for all off duty/extra duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
  6. A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.

7. Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to department procedures that such employment is not in the best interest of the department.
8. Officers, while engaged in law enforcement related employment, shall be subject to the orders of the shift commander. The officer in charge will be assigned/approved by a Staff Officer of the department and this officer is responsible to ensure that all orders/directives/plans are coordinated through the department and communicated to all personnel involved. In the absence of an assigned officer in charge, officers will be subject to the orders of the on duty shift commander.
9. While performing law enforcement related extra duty employment the officers must follow the department's policies, rules, regulations, procedures and standards, in addition to any others that may be imposed by the secondary employer. Where there is a conflict, the department's rules will supersede. Officers engaged in extra duty employment will not perform duties that are functions or tasks of the business.
10. Officers will not have family members or citizen observers accompany them while they are working in an extra duty capacity.

## **V. PAY SCALE**

- A. All officers, regardless of rank, working, extra duty employment, performing law enforcement related duties will be paid at the minimum rate of time and one half plus fringe benefits.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>SHIFT TRADING</b>		
<b>Effective Date:</b> <b>01/01/2008</b>	<b>Original Date:</b> <b>01/01/2008</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b> <b>13</b>	<b>Policy #</b> <b>13.80</b>	<b>Distribution:</b>
<b>References:</b> <i>Hours of Work Rule; Collective Bargaining Agreement; FLSA</i>		

## I. Purpose

It is recognized that departmental personnel requirements may occasionally interfere with officer's abilities to be granted leave from their scheduled shift. It is the purpose of this policy to facilitate effective scheduling allowances through the use of trade time.

## II. Definition

*Shift Trade:* The exchange of one or more consecutive shifts with the same individual.

## III. Policy

To establish an orderly and efficient method of enabling members of comparable positions (rank and assignment) to trade shifts. The policy includes the following criteria:

- A. Trade time will be mutually agreed upon between both the department and the member.
- B. Trade time will be limited to two (2) trades per calendar month, not to exceed four (4) consecutive days.
- C. Trade time will be approved through both the affected shift supervisors.
- D. Trade time off will be paid back (worked) within 30 days and the specific dates must be shown on the form for the time to be approved.
- E. Trade time will not be approved if any member would ultimately work more than 15 consecutive hours.

- F. Trade time will not be approved if any member would ultimately work more than seven (7) consecutive days.
- G. Trade time will not be approved when vacation or holiday time in excess of the annual accrual is available to the member initiating the trade and there is sufficient personnel on the shift (i.e., minimum shift strength).
- H. Trade time will not result in additional pay or overtime liability to the City, including court overtime, except if the result of shift holdover in excess of regular duty hours.
- I. Trade time will not be approved when either member is scheduled for in-service training, mandatory overtime or any other scheduled division activity for which the member's presence is required.
- J. The Chief of Police may suspend a member's participation in the shift trade program for abuse of or failing to abide by these guidelines.

#### **IV. Procedures**

##### **A. Employee's Responsibilities**

1. It will be the responsibility of the member(s) involved to obtain proper authorization for trade time and to document the time accordingly.
2. The member agreeing to work the time in question is responsible for working, making arrangements for appropriate substitute, or, when approved, using accumulated leave.
3. Failure to abide by this policy or fulfill a member's agreement may result in disciplinary action.

##### **B. Supervisors' Responsibilities**

Supervisors will ensure that authorized trade time that meets the specific criteria as outlined in the policy (III).

##### **C. Form Distribution**

Upon approval of the "Trade Time Authorization Form", it will be distributed by the affected members as follows when trading with another member:

White copy - - Attach to time sheet showing initial trade (1st member).

Yellow copy -- Attach to time sheet showing trade back (2nd member).

#### D. Accounting of Trade Time

1. Members will obtain written approval of trade time at least 24 hours in advance of the actual date of the trade, except in bona fide emergencies. Trades will not be approved any sooner than 90 days before the trade is to take place.
2. Members will utilize the "Trade Time Authorization Form" (Appendix A) to document the trade time.
3. Members will account for time worked by another on their timesheet as if it were a normal day worked showing appropriate programs, sub-programs and activities.

#### ***Grandfather clause:***

Members having obtained shift trades by previous practices shall have until June 30, 2008 to collect or repay said trades under this policy. All policy guidelines shall apply, except that on the Trade Time Authorization Form, members will indicate that this trade is to fulfill a "grandfathered" trade. Both parties must still sign the form and have the trade approved by the shift commander.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>LIGHT DUTY ASSIGNMENTS</b>		
<b>Effective Date:</b> <b>10/23/2002</b>	<b>Original Date:</b> <b>08/01/2002</b>	<b>Next Review:</b> <b>10/01/2009</b>
<b>Chapter</b> <b>13</b>	<b>Policy #</b> <b>13.91</b>	<b>Distribution:</b>
<b>References:</b> <i>Workers Compensation;</i>		

## I. Purpose

This policy establishes the authority for temporary light-duty assignments and procedures for granting temporary light duty to eligible officers within the Missoula Police Department.

## II. Policy

Temporary light-duty assignments, when available, are for officers who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary light duty can provide officers with an opportunity to remain productive while convalescing, as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of the Missoula Police Department that eligible personnel are given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy.

## III. Definitions

- A. **Eligible Personnel:** For purposes of this policy, any Missoula City Police Officer suffering from medically certified illness, injury or disability requiring treatment of a licensed health-care provider and who, because of injury, illness or disability, is temporarily unable to perform regular assignments, but is capable of performing alternative assignments. It is not required that the illness, injury or disability be sustained in the line of duty.
  - 1. Procedures for pregnancy are detailed in Section IV.D. of this Policy.
- B. **Family and Medical Leave Act (FMLA):** Federal law providing for up to 12 weeks of annual unpaid leave for workers due to illness, injury or certain other family conditions or situations.

## IV. Procedures

### A. General Provisions.

1. Temporary light-duty positions are limited in number and variety.
  - a. Personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to light duty; and
  - b. Assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee and/or the Missoula Police Department.
  - c. Particular assignments are at the discretion of the Department and, so long as they are consistent with the recommendations of an attending physician or certified healthcare provider, shall be based upon the needs of the Department and not the preferences of requesting officer.
2. This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.
3. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits such as bonus pay for special assignments including but not limited to canine handlers or special weapons and tactics (SWAT).
4. No specific position within the Missoula Police Department shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.
5. Light-duty assignments are strictly temporary and normally should not exceed six months in duration. After six months, personnel on temporary light duty who are not capable of returning to their original duty assignment shall:
  - a. Present a request for extension of temporary light duty, with supporting medical documentation from the treating professional, to his/her Division Captain; or
  - b. Pursue other options as provided by employment provisions of the Missoula Police Department, the City of Missoula, or federal or state law.
6. Officers on temporary light duty are prohibited from engaging in outside employment in which they may reasonably be expected to



perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of the Missoula Police Department and that form the basis for their temporary light-duty assignment.

- a. A temporary light duty assignment shall be immediately terminated if the officer is found to be engaged in any off duty employment that is inconsistent with the restrictions surrounding the temporary light duty assignment.
7. Depending upon the nature and extent of the disability, an officer on temporary light duty may be prohibited or restricted from wearing a departmental uniform, carrying a service weapon or otherwise limited in employing police powers as determined by the Chief of Police so long as such limitation is consistent with the provisions of IV.B and IV.C of this policy. Any such restrictions shall be made known in writing to the officer at the time he/she receives a temporary light duty assignment.
8. Light-duty assignments shall not be made for disciplinary purposes.
9. **Officers who experience a work related injury or disability** may go on temporary light duty status as a result of being released to do so by an attending physician or certified healthcare professional. Such officers may not refuse a particular assignment if that assignment is supported by and consistent with the recommendations of the attending physician or certified health-care provider. In lieu of accepting the assignment, they may choose to take vacation time or compensatory time, but not sick time. Conflicts regarding implementation of this portion of the policy will be managed by the City of Missoula's Personnel Department and worker's compensation insurance carrier.
10. **Officers experiencing an injury or disability that is not work related, or an illness, may request a temporary light duty assignment.** These officers have the option of accepting an offered light duty assignment(s) that is supported by and consistent with the recommendations of an attending physician or certified healthcare provider, or of withdrawing the request and taking accrued paid leave of any kind.
11. Officers wishing to contest any of the provisions of this policy may do so through the provisions of the collective bargaining agreement.

B. Temporary Light-Duty Assignments.

1. Temporary light-duty assignments may be drawn from a range of technical and administrative areas, and by means of this policy the Missoula Police Department has established an inventory of available job assignments that may be used for temporary light

duty. These assignments include but are not limited to the following:

- a. Radio desk,
  - b. Property clerk,
  - c. Background Investigations,
  - d. Strategic Planning Unit.
2. Officers on temporary light duty shall fall under the jurisdiction of the Administrative Division for the duration of the light duty assignment. However, they may receive assignments and report daily to supervisors outside the Administrative Division. The Captain of that Division will inform the officer in writing of his/her assignment, and the conditions thereof.
  3. Temporary light-duty assignments shall take into account the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed on the officer. In the event that more than one assignment meets these criteria, the choice of assignment shall be based upon the needs of the Department.
  4. Every effort shall be made to assign officers to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. If Officers are assigned to lower level assignments, they shall:
    - a. Retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
    - b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

C. Requests and Assignment to Temporary Light Duty.

1. Requests for temporary light-duty assignments shall be submitted in writing to the officer's Division Captain. Requests from Staff Officers shall be submitted directly to the Chief of Police. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by either the treating physician or other licensed health-care provider. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health-

care provider of familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved.

2. The request for temporary light duty and the physician's statement shall be forwarded to the City of Missoula Personnel Department, where appropriate staff shall make a recommendation to the Chief of Police or his designate regarding the assignment.
  - a. **In cases of work related injury or disability**, all issues regarding confirmation of the officer's current medical status will be managed on the Department's part by the City of Missoula's worker's compensation insurance carrier.
  - b. **In cases of non-work related injury or disability, or illness**, it is the officer's responsibility to provide confirmation of his/her need for light duty that is satisfactory to the Missoula Police Department and the City of Missoula Personnel Department. Prior to re-assignment to light duty due to a non-work related injury, disability or illness, the officer must first use a minimum of 40 hours of his/her sick time.
3. An officer who has not requested temporary light duty may be recommended for such assignment by submission of a written request from his/her immediate supervisor or Division Captain. Such request must include a detailed and documented account of the reason why the assignment is being requested and a request/order for a medical or psychological fitness-for-duty examination if such an examination has not already been performed.
  - a. Notice shall be provided to the employee of the proposed temporary light-duty assignment together with justification for the recommendation.
  - b. The employee may challenge the proposed reassignment using established agency grievance procedures.
  - c. Pending results of a grievance procedure, an employee may be reassigned if, in the opinion of the Chief of Police, failure to reassign may jeopardize the safety of the officer, other employees, or the public.
4. As a condition of continued assignment to temporary light duty, officers may be required to submit to monthly physical assessments of their condition as specified by the Chief of Police or the City of Missoula Personnel Department.

- D. Pregnant Officers. Pregnant officers are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well-being. For pregnant officers, temporary light duty assignments shall be requested, recommended and administered in the same manner as all other light duty assignments. However, pregnant officers *may be requested* to submit a physician's assessment of the officer's physical ability to perform regular duty, the physician's appraisal that the type of work being performed will not injure the officer and/or her expected child, and any recommended duty restrictions or modifications, including temporary light duty, or changes in light duty restrictions.
- E. Return to Full Duty. No officer shall be released from light duty to return to full duty until the Department has received a written release to do so from the officer's physician or certified health care professional.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>LINE OF DUTY DEATH</b>		
<i>Effective Date:</i> <b>01/01/2008</b>	<i>Original Date:</i> <b>01/01/2008</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>13</b>	<i>Policy #</i> <b>13.92</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

This policy is designed to prepare this agency for the event of an active duty officer's death in the line of duty and to direct the agency in providing proper support for the deceased officer's family.

Most officers have provided the Department with their preferred emergency notification instructions and those are kept locked in the Office of the Assistant Chief. A key for the files is available to each Staff member from the key box in the Chief's office.

## II. Policy

It is the policy of this agency 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 of readjustment for the surviving family.

## III. Definitions

*Line-of-Duty Death:* The death of an active duty officer by felonious or accidental means during the course of performing police functions while on- or off-duty.

*Survivors:* Immediate family members of the deceased officer to include spouse, children, parents, siblings, fiancée and/or significant others.

## IV. Procedures

### A. Death Notification

The following procedures should be adhered to in cases of line-of-duty deaths and in cases of critically injured officers with poor prognosis of survival. These procedures should be followed whenever possible with the understanding that the wishes of the family take precedence over the desires of the agency.

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 officer shall not be released to the media or other parties before immediate survivors living in the area are notified.
2. The chief of police or watch commander will designate an officer to inform the immediate family of the officer's condition or death. If not immediately available, the senior ranking officer will make the appointment.
3. Notification of the immediate family should be made as soon as possible and, if possible, coincidental with command notifications.
4. Notification of survivors in the immediate area shall be made in person and, whenever appropriate, with another person such as the police chaplain. Whenever the health of immediate survivors is a concern, emergency medical services personnel shall be requested to stand by.
5. If the opportunity to get the family to the hospital exists 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 should be provided for survivors rather than waiting for any other members of the departmental delegation to arrive. If the officer has died, notification should be made to the survivors in as forthright and empathetic a manner as possible.
6. Communication of 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 should request that the information be withheld until proper notification of survivors can be made.
7. The notification officer shall be responsible for identification of additional survivors outside the area and shall make any notifications as desired by the immediate family. Such notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that a personal notification be made.
8. The notification officer shall submit a written report to the chief of police specifying the identity, time and place of survivors notified.

#### **B. Assisting Survivors at the Hospital**

Whenever possible, the agency's chief executive officer shall join the family at the hospital in order to emphasize the agency's support. The next highest ranking officer to arrive at the hospital shall serve as or designate a hospital liaison officer who shall be responsible for coordinating the arrival of immediate survivors, departmental personnel, the media and others and assume the following responsibilities:

1. Arrange for waiting facilities for immediate survivors and a press staging area. The desires of the surviving family members should be followed with regard to their accessibility to other officers and friends.
2. Ensure that medical personnel provide pertinent medical information on the officer's condition to the family before any other parties.
3. Assist family members, in accordance with their desires, in gaining access to the injured or deceased officer.

4. 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.
5. Arrange transportation for the family and other survivors upon their departure from the hospital.
6. Ensure that immediate family members are provided with appropriate assistance at the hospital.

### **C. Appointment of Department Coordination Personnel**

The designated departmental officer(s) shall begin serving in the following capacities: department liaison, funeral liaison, benefits coordinator and family support advocate. These assignments will be made in writing to departmental personnel and the surviving family members will be informed of those designated. In addition, the chief of police or his designee will:

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 program is implemented to assist surviving family members and emphasize the family's right to psychological services; and
3. ensure that other officers are provided the opportunity to participate in critical incident stress debriefings.

### **D. Department Liaison**

The department liaison officer will serve as a facilitator between the family and the law enforcement agency. This individual will normally be a commanding officer in order to expedite the tasks of employing departmental resources and the delegation of assignments. This officer will work closely with the funeral liaison officer to ensure that the needs and requests of the family are fulfilled. This includes, but is not necessarily limited to, the following:

1. Providing oversight of travel and lodging arrangements for out-of-town family members.
2. Identifying alternative churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.
3. Coordinating all official law enforcement notifications and arrangements to include the honor guard, pallbearers, traffic control and liaison with visiting law enforcement agencies.
4. Assisting family members in dealing with general media inquiries and informing them of limitations on what they can say to the media specifically.
5. Providing liaison with the media to include coordination of any statements and press conferences. The departmental liaison shall also ensure that members of the agency are aware of restrictions regarding

release of any information that might undermine future legal proceedings.

6. Ensuring that security checks of the survivor's residence is initiated immediately following the incident and for as long as necessary thereafter.

#### **E. Funeral Liaison**

The funeral liaison officer acts as facilitator between the decedent officer's family and the department during the wake and funeral. The funeral liaison officer is responsible for:

1. meeting with family members and explaining his responsibilities to them,
2. being available to the family prior to and throughout the wake and funeral;
3. ensuring that the needs and wishes of the family come before those of the department;
4. assisting the family in working with the funeral director regarding funeral arrangements;
5. relaying any information to the family concerning the circumstances of the decedent officer's death and appropriate information regarding any investigation;
6. determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral and reporting this information to the department liaison; and
7. briefing the family members on the procedures involved in the law enforcement funeral.

#### **F. Benefits Coordinator**

The benefits coordinator is responsible for:

1. filing workers' compensation claims and related paperwork,
2. presenting information on all benefits available to the family;
3. documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such contributions, as appropriate;
4. preparing all documentation of benefits and payments due survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office;
5. filing all benefits paperwork and maintaining contact with the family in order to ensure that benefits are being received. A copy of benefits documentation should be provided to all survivors affected and explained to each of them; and
6. advising the surviving family of the role of police associations and organizations and the nature of support programs that they sponsor for law enforcement survivors.



## **G. Family Support Advocate**

The family support advocate serves in a long-term liaison and support capacity for the surviving family. The duties of this individual include:

1. providing contact with surviving family members in order to keep them abreast of criminal proceedings relating to the death of their family member;
2. accompanying surviving family members to criminal proceedings, explaining the nature of the proceedings and introducing them to prosecutors and other persons as required;
3. identifying all support services available to family members and working on their behalf to secure any services necessary;
4. maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the department and the immediate family; and relaying the concerns and needs of the family to those individuals or organizations that may provide assistance, and encouraging others to visit and help as necessary.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>SPECIAL TEAMS DEPLOYMENT</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>12/01/2007</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>14</b>	<i>Policy #</i> <b>14.10</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to establish a protocol for activating the Missoula Police Department Special Weapons and Tactics (SWAT) Team, Tactical Negotiations Team (TNT), Explosive Ordinance Disposal (EOD) Team and the Civil Disturbance Unit (CDU).

## II. Policy

SWAT, TNT, EOD and CDU are under direct control of the Tactical Operations Commander, who is responsible to the Assistant Chief of Police.

Any on duty Missoula Police Department shift commander can activate any of the above Special Teams for a high risk or emergency circumstance which requires the use of specialized weapons, tools and/or training which is generally beyond the scope of the normal Patrol Division operations.

SWAT may be used for situations which may include hostage situations, armed and barricaded subjects who are subject to arrest or emergency detention, civil disturbance, active shooter(s), acts of terrorism or other situations where additional training, equipment or personnel are necessary. SWAT may also be used for planned operations such as high risk warrant service, dignitary protection or staging for an upcoming event. SWAT may be used outside the City of Missoula with a mutual aid request from another law enforcement agency. Such assistance must be approved by the Chief of Police or his designee in his absence.

The Tactical Negotiations Team (TNT) will be deployed with the SWAT Team on all call-outs except warrant service and civil disturbances. During warrant service or civil disturbances, the Tactical Operations Commander can decide to add TNT as a resource. TNT may be used outside the City of Missoula with a mutual aid request from another law enforcement agency. Such assistance must be approved by the Chief of Police or his designee in his absence.

EOD may be used for situations which may include a bomb threat or bomb emergency. EOD may also be used on planned operations to assist other special teams to gain entry into structures or address devices which officers anticipate locating. EOD may be used outside the City of Missoula with a mutual aid request

from another law enforcement agency. Such assistance must be approved by the Chief of Police or his designee in his absence.

CDU may be used for situations involving a civil disturbance or a passive protest or at the request from the Tactical Operations Commander to assist SWAT in non-technical duties of a tactical operation. CDU may be used outside the City of Missoula with a mutual aid request from another law enforcement agency. Such assistance must be approved by the Chief of Police or his designee in his absence.

### **III. Definitions**

***Bomb Threat:*** A bomb threat condition exists when an explosive device has been reported or is suspected to be at a given location.

***Bomb Emergency:*** A bomb emergency exists when a suspected or actual explosive device has been located or has been detonated.

***Civil Disturbance:*** An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

### **IV. Procedure**

When a Missoula Police Supervisor encounters an emergency situation which requires the use of one of the above special teams, that supervisor will notify the desk personnel to begin their call-out procedure. The supervisor will notify the on-call Staff Officer of the call-out at his/her earliest convenience.

The primary responsibility of on-scene personnel is to isolate and contain the scene, gain as much information as possible, and, if safe to do so, attempt to communicate with any suspect(s). The Missoula Police Supervisor is the Incident Commander of that scene until relieved. The incident commander will be relieved when a higher ranking officer or more qualified officer arrives and accepts control. The arrival of a special team is to assist in the resolution of the incident, not to become the incident commander.

When any Missoula Police Supervisor is involved in a planned operation, a threat assessment should be completed. If the results on the point matrix indicate no additional resources are needed, the operation will proceed without the use of any special teams.

If the results indicate the notification of the Tactical Operations Commander, the notification will be made and it is the Tactical Operation Commander's decision to activate any of the special teams. If there is a discrepancy in the opinion of the on-scene supervisor and the Tactical Operations Commander, the decision will be referred to the Assistant Chief of Police or next available Staff Officer.

## MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>MEDIA RELATIONS</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i> <b>12/10/2003</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>14</b>	<i>Policy #</i> <b>14.11</b>	<i>Distribution:</i>
<i>References:</i> <i>Information Dissemination; City of Missoula Press Releases</i> <i>State ex nel. Smith v. District Court, 201 Mont.376, 381, 654, P.2d 982, 985 (1982)</i> <i>Great Falls Tribune v. District Court, 186 Mont, 433, 438, 608 P.2d 116, 119 (1980)</i> <i>MCA 44-5-103, MCA 23-5-116, MCA 44-5-302, MCA 7-1-4144, MCA 44-5-303,</i> <i>MCA 41-5-215, MCA 61-7-114</i>		

### I. Purpose

It is the purpose of this policy to establish guidelines for the release and dissemination of public information to print and broadcast news media.

### II. Policy

It is the policy of the Missoula Police Department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to the activities of the department, as long as these activities do not unduly interfere with police operations, infringe upon individual rights or violate right-to-privacy laws.

### III. Definitions

**News Media:** Individuals employed by recognized agencies of the print and electronic media with proper credentials identifying them as a member of the media. Freelance workers and journalism students are to be considered members of the general public for this policy unless otherwise approved by the designated Public Information Officer, shift commander or staff officer.

**Public Daily Activity Report:** A report generated from the calls-for-service records of the Missoula Police Department, available for review at the 24 hour radio desk or the front receptionist desk during regular business hours.

**Public Information:** Information that may be of interest to the general public that is not prohibited from disclosure due to law or policy, including: Missoula Police Department Policies and Procedures, newsworthy events and strategic plans. Releases of this type of information should not unduly interfere with the mission of the Missoula Police Department, jeopardize the rights of the accused or compromise the legitimate safety of any individual.

**Public Information Officer (PIO):** A Public Information Officer may be appointed by a staff member of the Missoula Police Department when the release of information from a central source is needed.

**Statistical Information:** Statistics generated from local police activities, calls-for-service records and other information generated by the Plans Unit for crime analysis and problem solving. Information of this nature must be reviewed by the Plans Unit and the Administration before release.

#### **IV. Procedures**

##### **A. Cooperation with the media**

1. News media representatives shall have reasonable access to the shift commander or his designee, the PIO, and the Chief of Police or his designee.
2. When information must be denied to the media, the basis for that denial should be fully and courteously explained.
3. Officers on scenes should refer all media request for information to the shift commander, the PIO, (if designated), or to the detective/officer assigned the case.

##### **B. Failure of media representatives to present authorized credentials may result in restricted access to incident scenes.**

1. Public information shall be available to media as promptly as possible, without partiality and in an objective manner.
2. Information should not be released by phone where the identity of the media representative is unknown.
3. Written press statements should be reviewed by the PIO, Shift Commander, Detective Supervisor or a staff member before distribution through physical or electronic means to local media outlets.
4. The shift commander shall be responsible for ensuring that the Strategic Plans Unit, the PIO and the ranking staff member are informed of events that may have media interests.

##### **C. Personal Information that may be released:**

1. The age, sex and geographical residency information of victims will normally be released. (i.e. 27 y/o female Missoula resident)
2. Victim business names may be released.

3. The names of arresting/investigating officers may be released unless the subject of an administrative action, in which case only by the Chief of Police or his designee.
  4. The arrested adult's age, gender, city of residence and the nature of the incident being investigated may be released. The specific violations and bond amounts shall not be released until the person is formally charged in court.
- D. Personal Information that may not be released:
1. Names of juveniles will not be released to the media under any circumstances, except in child abductions or disappearance cases.
  2. The names of witnesses and victims will not normally be released; the media should be referred to the coroner's office for release of deceased victim's names.
- E. Release of Investigative Information
1. Information which may be released in connection with a criminal investigation should contain value, concerns and interest of the citizens of Missoula.
  2. The type or nature of an event or crime
  3. The location, date and time, the injuries sustained, damages and a general description of how the event occurred.
  4. The type of property taken, but not the dollar amount or value.
  5. The identity of a suspect may be released if it would aid in his/her apprehension or serve to warn the public of danger.
  6. The name of the officer in charge of the investigation.
  7. Estimated value of dangerous drugs.
- F. Information which may not be released in connection with ongoing criminal investigations includes:
1. The identity of any victim of a sex crime or any related information which could lead to the victim's identity.
  2. The identity of any witness or victim if such disclosure would prejudice the investigation or place them in personal danger.

3. The results of any investigative procedure such as fingerprint comparison, lineups or lab results, (the fact such tests have been done may be disclosed without further comment).
4. Information which could interfere with the investigation, or specific details that would only be known by the police or the criminal.
5. The specific cause of death, unless officially determined by the medical examiner.
6. Prior criminal conviction record, character or reputation of the defendant.
7. Existence or contents of confessions or statements by the defendant or his/her refusal to make either.
8. The results of any tests or failure to submit to such tests.
9. The expected testimony of any witnesses or victims.
10. Opinions about the defendant's guilt or the merits of the case.
11. Opinion or knowledge about pre-trial activities such as plea bargains.

**V. Special Consideration**

- A. Police personnel shall extend reasonable courtesy to news media representatives, who may include closer access of personnel and equipment than available to the general public; to the degree it does not hamper the police mission or the movement of traffic.
- B. Confidential Matters
  1. Media representatives shall be denied access to the contents of investigative or incident reports and records where release of the information would:
    - a. Endanger the life of any person
    - b. Interfere with law enforcement proceedings
    - c. Constitute an unwarranted invasion of the personal privacy rights of another person
    - d. Disclose investigative techniques and procedures, thereby impairing future effectiveness of the department or compromise officer safety.
    - e. Violate state or federal law.

C. Criminal Matters

1. The news media shall not be allowed access to a crime scene or to an incident scene where there is a possibility that evidence may be damaged, destroyed, altered, or otherwise prejudiced by its existence being published or portrayed.
2. At the scene of major incidents, the Incident Commander may designate a PIO, and a preliminary press area.
3. Media members shall not accompany officers onto private property without the permission of persons having an expectation of privacy.
4. Suspects or accused persons in custody shall not be posed or made available for interviews, photographs or telecasts.
5. Dissemination of photographs or mug shots to the media is allowed for locating suspects sought by the department for a criminal offense.

D. Media Ride-A-Long

1. In instances where members of the media are involved in a department approved citizen ride, the media member will not be allowed entry to or onto private property. At no time will citizens be exposed to the media in a way that would cause the citizens embarrassment.

E. Non-Criminal Matters

1. At the scene of significant accidents, man-made or natural catastrophes, the principles of media cooperation should be maintained to the degree that they do not obstruct the mission of the police, fire, medical or other emergency relief workers.



# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>BLOODBORNE PATHOGENS</b>		
<b>Effective Date:</b> <b>12/01/2008</b>	<b>Original Date:</b> <b>06/05/2002</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b> <b>14</b>	<b>Policy #</b> <b>14.12</b>	<b>Distribution:</b>
<b>References:</b>		

## I. Purpose

The purpose of this policy is to provide officers with guidelines for preventing the contraction of the HIV virus, Hepatitis B Virus, Hepatitis C Virus and other blood borne pathogens.

## II. Policy

It is the responsibility of this law enforcement agency 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 viruses that can be contracted through exposure to blood borne pathogens. Therefore, it is the policy of this agency 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 offer treatment for all members exposed to these diseases.

## III. Definitions

*Potentially Infectious Body Fluids:* Any body fluid such as saliva, sputum, semen, vaginal secretions, amniotic fluid, feces, wound drainage, cerebral spinal fluid, human blood, blood products or blood components.

*Exposure Control Plan:* A written plan developed by this agency and available to all employees that details the steps taken to eliminate or minimize exposure and evaluate the circumstances surrounding exposure incidents.

Human Exposure: defined as:

- a. Any person to person contact in which a co-mingling of respiratory secretion (*saliva and sputum*) of the patient and the emergency services provider may have taken place;
- b. Transmittal of blood or bloody body fluids of the patient onto the mucous membranes of the emergency services provider (*mouth, nose, eyes*) and/or into breaks in the skin of the emergency services provider;
- c. Transmittal of other body fluids (*semen, vaginal secretions, amniotic fluid, feces, wound drainage, or cerebral spinal fluid*) onto the mucous membranes of the emergency services provider;

- d. Any non-barrier protected contact of the emergency services provider with the mucous membranes or non-intact skin of the patient.

*Personal Protective Equipment:* Specialized clothing or equipment worn by members for protection against the hazards of the job. This does not include standard issue uniforms and work clothes without special protective qualities.

*Universal Precautions:* Procedures as defined by the CDC, (Center for Disease Control), are a set of precautions designed to prevent transmission of human immunodeficiency virus, (HIV), Hepatitis B virus, (HBV), Hepatitis C virus and other blood borne pathogens.

## **IV. Procedures**

### **A. General Disease Prevention Guidelines**

1. This agency's exposure control plan shall provide the overall strategy for limiting exposure to HIV, HBV and HCV; and responding to exposure incidents.
2. This agency subscribes to the principles and practices for prevention of HIV, HBV and HCV 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 policy, employees shall be guided by these practices and procedures

### **B. Workplace Controls and Personal Protective Equipment**

1. In order to minimize potential exposure, officers should assume that all persons are potential carriers of HIV, HBV and HCV.
2. When appropriate Personal Protective Equipment is available, no member shall refuse to arrest or otherwise physically handle any person who may carry the HIV, HBV or HCV virus.
3. Members shall use protective equipment 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 safety or the safety of another co-worker.

All such 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.

4. Disposable gloves should be worn when handling any persons, clothing or items with bodily fluids on them.
5. Masks in combination with eye protection devices such as goggles or glasses with solid side shields, or chin length face shields should be worn

whenever splashes, spray, spatter or droplets of potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

6. Gowns, aprons, lab coats, clinic jackets or other outer garments should be worn as determined by the degree of exposure anticipated.
7. Authorized barrier/resuscitation devices that does not permit blood or other potentially infectious materials to pass through, will be used whenever an officer performs CPR or mouth-to-mouth resuscitation.
8. All used sharps instruments such as knives, scalpels and needles shall be handled with extraordinary care and should be considered contaminated items.
  - a. Leather gloves or other protective equivalent shall be worn when searching persons or places or dealing in environments such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered.
  - b. Needles will not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand.
  - c. Needles shall be placed in departmentally provided, puncture resistant, leak proof containers that are marked as bio-hazardous when being collected for evidence, disposal or transportation purposes.
9. Officers shall not smoke, eat, drink, handle contact lenses or apply makeup around bodily fluid spills, or areas where there is reasonable likelihood of occupational exposure.
10. Any evidence contaminated with bodily fluids shall be completely dried, double bagged and marked to identify potential or known communicable disease contamination.
  - a. All biohazard evidence must be air dried before being placed in evidence.
  - b. Place evidence to be dried on the table or drying rack in the down stairs processing room. (Always have the drying table covered with paper, supplied in the processing room on a roller next to the drying table)
  - c. Lay the evidence in single layers for quick drying time
  - d. When leaving the processing room, flip the sign on the outside door of the processing room to read 'Bio Hazard evidence drying.'

- e. When all biohazard evidence is dried completely, wrap the evidence in white paper, provided on the wall by the drying table.
- f. Place the evidence in paper evidence bags and tag them with evidence tags, (filling out the evidence tags completely). Do not use staples to seal the evidence bag. You can use packaging tape to seal the bag and then place evidence tape over the packaging tape.
- g. Place orange biohazard sticker on the outside of package.
- h. Fill out the property report sheet completely
- i. Place the evidence in the upstairs property vault in an evidence locker and write the locker number on the top of the property report, (white copy), and then place it in the evidence wire basket on the shelf above the lockers.
- j. Turn the other two property report forms into the shift commander for review.

### **C. Custody and Transportation of Prisoners**

- 1. Officers should not put their fingers in or near any person's mouth.
- 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 he is bleeding or otherwise emitting bodily fluids.
- 3. Officers have an obligation to notify relevant support personnel during a transfer of custody when the suspect has bodily fluids present on his persons, or has stated that he has a communicable disease.
- 4. Officers shall document on the appropriate arrest or incident form when a suspect taken into custody has bodily fluids on his person, or has stated that he has HIV, HBV or HVC.

### **D. Housekeeping**

- 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 on a routine schedule
- 2. All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious substances as provided in this policy.
- 3. Any protective coverings used in laboratory, evidence custody or enforcement operations for covering surfaces or equipment shall be

removed or replaced as soon as possible following actual or possible contamination.

4. Re-useable bins, pails and similar receptacles used to hold actual or potentially contaminated items shall be labeled as bio-hazardous, decontaminated as soon as possible following contamination as well as inspected and decontaminated on a regularly scheduled basis.
  - a. Bio hazard waste will be packaged in the following manner:
    - 1) Needles will be packed in Sharps containers
    - 2) Items contaminated with blood will be dried and packaged in wrapping paper and secured in a paper sack.
    - 3) Liquids will be placed in an air tight, leak proof container and placed in a plastic bag.
    - 4) **ALL BIO HAZARD ITEMS WILL BE IDENTIFIED WITH BIO HAZARD STICKERS.**
  - b. Bio hazard waste will be picked up and destroyed by Sure-Way Systems of Deer Lodge, Montana per Missoula Police Department contract.
5. Only designated employees shall discard actual or potentially contaminated waste materials. All such disposal shall conform to established federal, state and local regulations.

#### **E. Disinfection**

1. Any unprotected skin surfaces 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.
  - a. Alcohol or antiseptic towelettes may be used where soap and water are unavailable.
  - b. Disposable gloves should be rinsed before removal and hands and forearms should then be washed.
  - d. Skin surfaces shall be washed and mucous membranes flushed as soon as feasible following the removal of any personal protective equipment.
  - e. All open cuts and abrasions should be covered with waterproof bandages before reporting to duty.
2. Disinfection procedures shall be initiated whenever there are bodily fluids present or an individual with bodily fluids on his person is transported in a departmental vehicle.

- a. A supervisor shall be notified and the vehicle removed from service until the contaminated area can be disinfected.
- b. All police vehicles should be cleaned in the interior with disinfectant during all routine cleanings.
- c. An approved disinfectant provided by the department will be used. The contaminated item will be cleansed with two applications of the disinfectant.

**F. 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, ensuring that:
  - a. Personal protective equipment in appropriate sizes, quantities and locations are available.
  - b. First aid supplies and disinfecting materials are readily available at all times.
2. All department vehicles shall be continuously stocked with the following 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, puncture resistant and leak proof containers for needles and other sharp objects, barrier resuscitation equipment and leak proof plastic bags.
  - b. Liquid germicidal cleaner
  - c. Disposable towelettes (70% isopropyl alcohol)
  - d. Appropriate identification labels and tape for Bio Hazard Material for disposal.
3. Officers using supplies from their vehicles are responsible for ensuring that they are replaced as soon as possible.
4. Officers are encouraged to keep disposable gloves in their possession at all times while on duty.

**G. Vaccination, Exposure, Evaluation and Treatment**

1. During employee orientation, the Missoula Police Department will offer the new employee the opportunity to receive the Hepatitis B vaccine at no cost to the employee. All declining employees will sign the Hepatitis B

Declination form indicating their acceptance or declining the vaccine and these records will be maintained in the training/orientation files.

2. All members of this agency who have been determined to be at risk for occupational exposure, through the definitions of their job descriptions, shall be provided with the opportunity to be immunized with the HBV vaccination series at no cost within 10 working days. The vaccination will be provided if desired only after the member has received required departmental training and has not previously received the vaccination series.
3. Any person who has unprotected physical contact with blood or other potentially infective material as outlined in Section III Human exposure, shall be considered to have been potentially exposed to HIV, HBV or HCV.
4. In cases of exposure, a supervisor will be contacted and complete appropriate incident forms and shall take appropriate steps to document the means and circumstances under which the exposure occurred.
  - a. Workers Compensation form
  - b. Report of Exposure form
  - c. Written incident report
5. Within two hours after exposure and after completing an initial disinfection, the officer shall proceed to a health care facility for medical evaluation.
  - a. The medical visit may include an evaluation of the officer's risk for exposure to HIV, HBV or HCV and a draw of the officer's blood for baseline testing.
  - b. This agency shall ensure continued testing of the member for potential of infection and provide psychological counseling as determined necessary by the health care provider.
  - c. Unless disclosure to an appropriate departmental official is authorized by the officer or by state law, the officer's medical evaluation, test results and any follow-up procedures shall remain confidential.
6. Any person responsible for potentially exposing a member of this agency to a Blood Borne Pathogen shall be encouraged to undergo testing to determine if the person has HIV, HBV or HCV at no charge to the person.
  - a. The person shall be provided with a copy of the test results and a copy shall be provided to the exposed agency member.

- b. Criminal charges may be sought against any person who intentionally exposes a member of this agency to a communicable disease.
7. Notification of results: The department's designated officer will be notified in writing of the following:
- a. Whether or not the patient was infected with one of the infectious diseases in ARM 16.30.801.
  - b. Whether or not a determination has been made.
  - c. The name of the disease and the date of transport if the patient was infected.
8. If in fact the subject was diagnosed as having an infectious disease the officer will be advised of appropriate medical precautions and treatment.
9. Officers who test positive for HIV, HBV, HCV 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.

#### **H. Record Keeping**

- 1. The Missoula Police Department will record the Hepatitis B immunization and titer status of the employee. This record will be maintained by the training officer.
- 2. All medical records maintained by this department shall be considered confidential and stored in accordance with 29 CFR, Part 1910.20, "Access to Employee Exposure and Medical Records."
- 3. If an exposure occurs, the department may receive a written opinion from the Health Care Professional regarding:
  - a. When the employee is sent to obtain the Hepatitis B vaccine.
  - b. Whenever the employee is sent to a health care professional following an exposure incident.
- 4. A health care professional shall be instructed to limit their opinion to:
  - a. Whether the Hepatitis B vaccine is indicated and if the employee has received the vaccine;
  - b. That the employee has been informed of the results of the evaluation and
  - c. That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials.



5. The employer is not to reference any personal medical information.

## **I. Training**

1. This agency's training officer shall ensure that all members of this agency with potential of occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases before their initial assignment.
2. All identified 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.
3. All trainees shall have access to applicable federal and state regulations pertaining to the regulation of blood borne pathogens.
4. The training officer shall ensure that complete records are maintained on member training to include information on the dates and content of training sessions, names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>LIMITED ENGLISH PROFICIENCY ASSISTANCE</b>		
<i>Effective Date:</i> <b>7/01/2008</b>	<i>Original Date:</i> <b>NEW</b>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>14</b>	<i>Policy #</i> <b>14.13</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The Missoula Police Department (MPD) recognizes the importance of effective and accurate communication between its personnel and the community that they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, and to provide guidance to departmental personnel providing services to, or interacting with, individuals who have LEP.

## II. Policy

The MPD's policy is to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the MPD provides in all MPD-conducted programs or activities. All MPD personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. The MPD personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that MPD personnel will provide these services to them.

## III. Definitions

**Primary Language** means an individual's native tongue or the language in which an individual most effectively communicates. Department personnel should avoid assumptions about an individual's primary language. For example, not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Department

personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

**Limited English Proficiency** designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (*e.g.*, speaking or understanding), but still be LEP for other purposes (*e.g.*, reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Interpretation** is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Translation** is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).

**Bilingual** refers to the ability to use two languages proficiently.

**Authorized Interpreter** is a bilingual Department employee or pre-authorized individual who can interpret for others in certain situations.

**Interpreter List** is an accounting of MPD personnel who are bilingual and are authorized to act as volunteer interpreters. The Administrative Division will create and maintain the list and provide it to Police Radio Desk Operations.

#### **IV. Procedures for Accessing Interpretation Services**

##### **A. Requesting Interpretation Services:**

1. Responding MPD Personnel Responsibilities: MPD personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language through the use of the language identification card and immediately contact the Police Radio Desk at 552-6300.

##### **NOTE 1 – Exigent Circumstances:**

The MPD personnel are expected to follow the general procedures outlined in this Directive; however exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual MPD personnel. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this policy.

##### **NOTE 2 – Family, Friends and Bystanders:**

In other than exigent circumstances, MPD personnel should only use family, friends or bystanders for interpreting in very informal, non confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a

breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, MPD personnel should not use minor children to provide interpreter services.

2. **Police Radio Desk Responsibilities:** The Police Support Specialist will consult the Interpreter List to determine if a bilingual employee is available to respond to the assignment. If none is available to respond, the Support Specialist will immediately determine if an authorized interpreter is available to assist. If no authorized interpreter is available, the Support Specialist will contact the telephonic interpretation service provider.

3. **Contracted or Volunteer In-Person Interpretation Services:** Contracted in-person interpretation services shall be available to all personnel when interacting with LEP individuals. The Police Radio Desk will be the central conduit for connecting personnel in the field to an appropriate interpreter. While this service is available to all MPD personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.

4. **Upon Arrival of Contracted In-Person Interpreter:** Upon the arrival of the interpreter, the officer/investigator will examine the interpreter's identification. The officer/investigator shall record the interpreter's name and company affiliation on the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared, MPD personnel will ask all questions through the interpreter.

**NOTE:**

It is MPD personnel's responsibility to develop and ask any questions. Under no circumstances will an interpreter independently question a LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

5. **Conflict of Interest/Bias of Interpreter:** If the officer/investigator believes that there is any conflict of interest with the assigned interpreter, bias, or any other reason why the interpreter should be recused, the officer/investigator shall consult with the highest ranking supervisor on location and the supervisor will decide if another interpreter is warranted.

## **V. Interrogation, Interviews and Complaints**

### **A. Criminal Interrogations and Crime Witness Interviews:**

These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. The MPD personnel must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall

be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. All interrogations with LEP persons are to be audio and video recorded and LEP witness interviews are highly recommended.

NOTE:

*Miranda* warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the interpreter.

B. Complaint Procedures for LEP Persons: Any LEP individual who wishes to file a complaint with the MPD regarding language access, or the discharge of MPD's duties, shall be provided with translated citizen complaint forms. The assigned investigator shall utilize in-person interpretation services when conducting any interviews of LEP complainants or witnesses. The Professional Standards Unit will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>MISSOULA POLICE OBSTACLE COURSE</b>		
<i>Effective Date:</i> <b>12/01/2008</b>	<i>Original Date:</i>	<i>Next Review:</i> <b>12/01/2009</b>
<i>Chapter</i> <b>14</b>	<i>Policy #</i> <b>14.14</b>	<i>Distribution:</i>
<i>References:</i>		

## I. Purpose

The purpose of this policy is to provide guidelines for the use of the Missoula Police Department Obstacle Course.

## II. Policy

The Obstacle Course is open to Missoula Department Members only. The Chief of Police or his designee may authorize other use for members outside this agency.

The course is located on Missoula City Cemetery property and will be open from 0800 hours to 2000 hours daily. Other times may be arranged through Special Teams Tactical Commander or Missoula Police Department Training Division.

Prior to use each officer must have an orientation with the Police Department Training Officer or a Special Teams supervisor.

The equipment used must be returned to the storage shed and the tarps on the walls must be put back on at the end of any training.

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<b>Subject:</b> <b>HIGH VISIBILITY TRAFFIC VESTS</b>		
<b>Effective Date:</b> <b>12/01/08</b>	<b>Original Date:</b> <b>12/01/08</b>	<b>Next Review:</b> <b>12/01/2009</b>
<b>Chapter</b> <b>14</b>	<b>Policy #</b> <b>14.15</b>	<b>Distribution:</b>
<b>References:</b> <i>Federal highway administration 23 CFR Part 634</i>		

## I. Purpose

The purpose of this policy is to ensure safety of department staff when working on foot on public roadways.

## II. Policy

It is the policy of this department that officers, accident investigators and any civilian staff wear a high visibility vest while working on foot in public right of ways. This equipment will be required for any department personnel when directing traffic, investigating crashes, handling lane closures or obstructed roadways and disasters in the public right of way.

## III. Definitions

*High Visibility Public Safety Vest*- must meet ANSI 207-2006 standards.

## IV. Procedures

All department personnel will be issued a vest which meets the required specifications. The vest will be the responsibility of each department member and its care and replacement if needed will be treated like other department issued uniform equipment.



**Your Employee Assistance Program (EAP)  
Provided By Life Care Services (LCS)**

You have access to ten (10) licensed, independent counselors who each specialize in (but are not limited to) the following areas:

<p align="center"><b><u>MISSOULA, MT</u></b> Renee Berglund, LCPC 128 S. 6<sup>th</sup> St. W. Anxiety/Depression ■ Trauma Recovery ■ Relationships ■ Life Transitions 406-543-8415, Ext. 3</p>		<p align="center"><b><u>MISSOULA, MT</u></b> Bob Deaton, LCSW 3700 S. Russell, Ste. 120B Life Transitions ■ Family ■ Grief/Loss ■ Anger Management ■ Explosive Behavior 406-370-0650</p>		<p align="center"><b><u>MISSOULA, MT</u></b> Kevin Dohr, Ph.D. 128 S. 6<sup>th</sup> St. W. Children/Marital/Family Therapy ■ Anxiety/Depression ■ Midlife Transitions 406-541-2727</p>	
<p align="center"><b><u>MISSOULA, MT</u></b> Coe Dolven, LCPC 101 E. Broadway St., Ste. 310 Anxiety/Depression ■ Trauma (EMDR Trained) ■ Job-Related Stress 406-541-7324</p>		<p align="center"><b><u>MISSOULA, MT</u></b> Donna Ridgeway, LCPC 210 N. Higgins, Ste. 326 Adults ■ Relationships ■ Stress ■ Life Transitions ■ Anxiety/Depression ■ Health-Related Concerns (Including Pain) 406-327-8944</p>		<p align="center"><b><u>MISSOULA, MT</u></b> Jeanette Stangl, LCSW, LAC 821 S. Orange St. Couples ■ Dual Diagnostic Therapy ■ Anxiety/Depression ■ Trauma (EMDR Trained) ■ Substance Abuse 406-542-8461</p>	
<p align="center"><b><u>MISSOULA, MT</u></b> Jim Wemple, Ph.D. 255B W. Front St. Individual/Couples Therapy ■ Male Issues ■ Depression (Mood Disorders) 406-543-8373</p>	<p align="center"><b><u>HAMILTON, MT</u></b> Michael English, LCSW 1406 S. 1<sup>st</sup> St. Adult/Adolescent/Couples Therapy ■ Pain Management ■ Anxiety/Depression ■ Grief ■ Anger Management ■ Trauma (EMDR Trained) ■ PTSD 406-363-0929</p>	<p align="center"><b><u>STEVENSVILLE, MT</u></b> (Ms.) Tyler Coleman, LCPC, LAC 115 W. 3<sup>rd</sup> Street, Ste. 107 Family/Couples Therapy ■ Codependency ■ Addictions ■ Neurofeedback 406-396-5910</p>	<p align="center"><b><u>POLSON, MT</u></b> Treaa Glinnwater, LCSW 110 Main St., Ste. 8 Children/Adolescent/Adult/Marital Therapy ■ Anxiety/Depression ■ PTSD ■ Phobias ■ Obsessive- Compulsive Disorders ■ Parent-Infant Distress Syndrome 406-883-2445</p>		
<p><b>Licensures Detail:</b> LAC: Licensed Addictions Counselor LCPC: Licensed Clinical Professional Counselor</p>		<p>LCSW: Licensed Clinical Social Worker Ph.D.: Doctor of Philosophy</p>			

Important facts to remember regarding your EAP:

- Up to four (4) counseling sessions per contract year (June 1–May 31) are available to employees, spouses, spousal equivalents, and dependent children at the numbers listed above.
- Counseling services are not restricted to job-related issues; counseling assistance may be sought for many reasons.
- Counselors are independent, private therapists contracted through LCS. The independent status of the EAP counselors assures a high degree of objectivity in the counseling process.
- Confidentiality—No information regarding any client, not even confirmation of attendance at sessions, is provided to the City of Missoula or to individuals within the City of Missoula without a signed designated release of information.
- Generic utilization reports to the City of Missoula maintain confidentiality and do not contain personal identifying information.
- You may also post questions anonymously to our Web site discussion board at [www.LifeServicesOnline.com](http://www.LifeServicesOnline.com). Your company access code is **mslaci2004** (not case sensitive).
- For after-hour or weekend emergencies, you may call the toll-free crisis line at 877-891-3173.

**We hope you will take advantage of this program offered to you as an employee of the  
City of Missoula through Life Care Services!  
406-721-9320 or 800-322-9320**

Updated 01/08/07



# Uniform Itemized List

12/19/2008

Regulation Uniforms & Equipment							
Item	Brand	Style	Color	Model	Number	Number	
<b>Short Sleeve Shirt</b>	Flying Cross		LAPD Blue	Deluxe Tropical	97R6686	154R6686	
	Flying Cross		LAPD Blue	Command	87R7886	177R7886	
	Flying Cross		LAPD Blue	Perfect Match			
	Flying Cross		LAPD Blue	Cotton Blend	85R5886		
	Flying Cross		LAPD Blue	Polyester Wool	57R8786 (Z)	157R8786 (Z)	
	Flying Cross		LAPD Blue	Polyester Wool Lycra	57R8986 (Z)	157R8986 (Z)	
	Blauer		Dark Navy Blue with Hi-Vis Yellow	Colorblock Knit Short Sleeve Shirt B.Cool with Scotchlite reflective Material	8132-52		
<b>Long Sleeve Shirt</b>	Flying Cross		LAPD Blue	Deluxe Tropical	47W6686	104W6686	
	Flying Cross		LAPD Blue	Command	35W7886	12R7886	
	Flying Cross		LAPD Blue	Perfect Match			
	Flying Cross		LAPD Blue	Polyester Cotton Blend	35R5886		
	Flying Cross		LAPD Blue	Polyester Wool	07W8786 (Z)		
	Flying Cross		LAPD Blue	Polyester Wool Lycra	07W8986 (Z)		
	Flying Cross		LAPD Blue	Command Sweater Rib Knit	00810	00800	
<b>Undershirt</b>			Black	Full Turtleneck	52510	52610	
			White T-shirt (Day Shift)				
			Black T-shirt (Mid-Night Shift)				
<b>Trousers</b>					HS2119		
	Flying Cross		LAPD Blue	Polyester Blend 6 Pocket	39900		
	Flying Cross			Tactical 4 Pocket	8306		
	Flying Cross			Polyester Blend 4 Pocket	2149		
	Flying Cross			Deluxe Tactical 6 Pocket	39300	39350	
	Flying Cross			Deluxe Tactical 4 Pocket	39400	39450	
	Flying Cross			Urban Defender 4 Pocket	UD3900	UD3933	
	Flying Cross			Polyester 4 Pocket	32233	35233	
	<b>Shorts (spec. duty only)</b>	Flying Cross		LAPD Blue	Perfect Match	34330	74350
	<b>Shoes/Boots</b>	Fort Hood	8"				
Alphaforce		Oxford					
Portland		8"					
Tactical Specialist		8"					
Tactical Specialist		6"					
#2081 Renegade		9"					
Arcadia		8"					
Patrol		6"					
Blackhawk II		4.5"					
Striker		4.5"			45 GTX		
Striker	8"			GTX			

# Uniform Itemized List

12/19/2008

Regulation Uniforms & Equipment						
Item	Brand	Style	Color	Model	Number	Number
	Fort Lewis	10"		200G Thinsulate		
	Rocky Duty			TMC 5001		
<b>Summer/Winter Jacket</b>						
	Flying Cross		LAPD Blue	Spectrum ultimate	78140	79900
	Taylor's Leather Wear		Black	Appalachian Pursuit	L910Z	
<b>Eisenhower Jacket</b>	Flying Cross		LAPD Blue	Command Button Front	38169	
<b>Rain Coat</b>	Neese	W/Scotch Lite	Navy Blue	Reversible	475RJ3M	
<b>Rain Hat Cover</b>			Navy Blue, Clear			
<b>Hat</b>	Lancaster		Navy Blue	8-point	57	
<b>Winter Watch Cap</b>		w/gold MPD Embroidery	Black			
<b>Ballistic Vest</b>	US Armor		Black, Blue, White	Terminal Velocity Level 2	TV2-02	
				Any Level 2 or higher		
<b>Ties</b>	Samuel Broom	Military Type	Black	18" & 20"	90001	90019
<b>Socks</b>		Crew Style	Black, Navy Blue			
<b>Bicycle Patrol</b>						
<b>Shirt</b>	Blauer		Dark Navy Blue with Hi-Vis Yellow	Colorblock Knit Short Sleeve Shirt B.Cool with Scotchlite reflective Material	8132-52	
<b>Jacket</b>	Olympic	"POLICE" 4" letters on back in black on yel/white on Blue	Yellow, LAPD Blue	Olympic vest w/zip off bottom	OVP587	
<b>Pants/Shorts</b>	Olympic	Chamois w/zip off legs	LAPD Blue	Cycling Pants	ZLP596	
	Olympic	Chamois	LAPD Blue	Phoenix Shorts	OPS168	
<b>Helmet</b>		POLICE on both sides in black	White			
<b>Shoes</b>	Approved by Division Commander		Black, Gray			
<b>EOD</b>						
<b>Shirt</b>		Nomex 3A material	Olive Green			
<b>Pants</b>		Nomex 3A material	Olive Green			
<b>Shoes</b>	Any	Leather. Choies of high, low or mid rise	Black			
<b>Patches/Name Tags</b>	EOD Team Patch	Worn Centered 1/4" above left pocket				
	Name Tag	Embroidered in black 1/4" above right pocket				
	MPD Patch	Worn on right shoulder				

# Uniform Itemized List

12/19/2008

<b>Regulation Uniforms &amp; Equipment</b>						
Item	Brand	Style	Color	Model	Number	Number
<b>Honor Guard</b>						
<b>Coat</b>	Flying Cross	100% Dacron Polyester/single breasted w/4 button front and notched lapels. Two box pleated breast pockets with scalloped flaps and two lower simulated pockets with scalloped flaps. Shoulder straps with be cross stitched.	LAPD Blue	Dress Coat	38800	38833
<b>Trousers</b>	Flying Cross	Quarter top pockets, tab left hip pocket. 100% Polyester	LAPD Blue	Postal Police Trousers	38200	38233
<b>Shirt</b>	Flying Cross	Sewn in military creases, 2 in front continue through the pocket and pocket flap, and 3 in back. Shoulder straps to be cross stitched symmetrically and two pleated breast pockets will have scalloped pocket flaps with Velcro closures	White	Polyester/Cotton Duro Poplin	35W5400	126E5400
<b>Shoes</b>	Professionals	Patent Leather	Black	Oxford	510	
<b>Belt &amp; Holster</b>	Safariland	High gloss	Black			
<b>Shoulder Cord</b>		To be worn on the left shoulder	Gold			
<b>Honor Guard Shoulder Tab</b>		To be worn on the right shoulder				
<b>Gloves</b>		Dress	White			
<b>Scarf</b>			White			
<b>K-9 Unit</b>						
<b>Jumpsuit</b>	Bratwear	Must have a MIC loop on the right or left shoulder. Must have one radio pocket and one zippered pocket. Must have should patches and knee pads.	Black	One Piece	JMP93LT	JMP93
	Bratwear		Black	Two Piece	JMP932PCLT	JMP932PC

# Uniform Itemized List

12/19/2008

<b>Regulation Uniforms &amp; Equipment</b>						
Item	Brand	Style	Color	Model	Number	Number
<b>Shoes</b>	See Regulation List	Must be mid-height boot style and made of leather	Black			
<b>Patches/Name Tags</b>	MPD Patch	Worn on left shoulder 1/2" below the shoulder seam				
	Name Tag	Will be embroidered in non-reflective color on the seam line at the top of the right breast pocket. 1/2" block letters will be used.				
	Unit Patch	"Unit" patch 1/2" above embroidered name. After a unit member leaves the unit their patch is no longer authorized to be worn				
<b>Duty Equipment</b>		May wear leather gear that is approved for patrol				
<b>Additional approved Holster</b>	Sarfariland	Drop Leg	Black	Thigh Ride Level II	6004	
<b>Motor Patrol</b>						
<b>Breeches</b>	Logerfo		Midnight Navy		202	
<b>Shirt</b>	Blauer		Dark Navy Blue with Hi-Vis Yellow	Colorblock Knit Short Sleeve Shirt B.Cool with Scotchlite reflective Material	8132-52	
<b>Jacket</b>	Taylor		Leather Black		4473Z	
<b>Rain Jacket &amp; Pants</b>	Neese	Reflective Striping	Black		475PTD	623-204
<b>Boots</b>	Department Authorized	Patrol Boots with laces, knee high	Black			
<b>Helmet</b>	Shoei		White/Black		325-46	
<b>SWAT</b>						
<b>Tactical Dress Uniform Shirt</b>		Initial military special shirts feature 4 large cargo pockets and elbow reinforcements	Woodland Camo, Black			
<b>Tactical Dress Uniform Trousers</b>		Initial military special trousers feature 6 pockets (2 jumbo pockets on legs), reinforced knee and buttock areas, and adjustable waist straps at cuff of each pant leg	Woodland Camo, Black			

# Uniform Itemized List

12/19/2008

Regulation Uniforms & Equipment						
Item	Brand	Style	Color	Model	Number	Number
<b>Flight Suit</b>	Gibson and Barnes	92% Nomes fiber, 5% Kevlar fiber, 3% P-140 Anti-Static fiber	Sage	Flight Suit	CWU-27/P	WA2M1
<b>Hat</b>		Field jungle style with 4 screen vents and nylon chin strap with adjusting leather tab.	Woodland Camo			
<b>Gloves</b>		Nomex military flying gloves	Sage, Black			
<b>Shoes</b>	Any	Must be mid-calf length (9-10") and made of leather or leather/nylon	Black, Brown			
<b>Helmet</b>		Nomex military issue, Ballistic Level II Lightweight Combat Helmet	Black			
<b>Balaclava</b>			Black			
<b>Smith Tactical Goggles</b>		Must be shatter proof	Black			
<b>Belt</b>		Tactical nylon duty belt	Black, Green			
<b>Holster</b>		Tactical leg shroud armament system	Black			
<b>Ballistic Entry Vest</b>	Second Chance or Team commander approved	Load bearing pockets, nylon	Black			
<b>Jacket</b>		M65	Woodland Camo			
<b>Baton</b>	ASP	Tactical Baton	Chrome		F26C	
<b>Patches/Name Tags</b>	MPD SWAT Patch	To be worn on right and left shoulders 1/4" from top seam on each sleeve.				
	Name Tag	To be worn centered and even 1/4" above the right pocket				
	MPD SWAT Patch	to be worn centered and even 1/4" above the left pocket				
<b>Additional Equipment</b>		Tactical Handcuff Key				
	Gerber	Multi-lock pliers		Q-KN0011		
		Center punch spring loaded				
	Def-Tec	Chemical Agent mask				
		Cotton Poncho	Winter Camouflage			
		Riot face shield				
		Undershirt	Black, Olive Drab			

# Uniform Itemized List

12/19/2008

Regulation Uniforms & Equipment						
Item	Brand	Style	Color	Model	Number	Number
<b>CDU</b>						
<b>Tactical Uniform Shirt</b>		Initial military special shirts feature 4 large cargo pockets and elbow reinforcements	Black			
<b>Tactical Uniform Trousers</b>		Initial military special trousers feature 6 pockets (2 jumbo pockets on legs), reinforced knee and buttock areas, and adjustable waist straps at cuff of each pant leg	Black			
<b>Gloves</b>		Leather gloves padded on back of hand and fingers	Black			
<b>Shoes</b>	Any	Plain toe polished military or law enforcement boot.	Black			
<b>Helmet</b>		Nomex military issue Ballistic Level II Lightweight Combat helmet	Black			
<b>Balaclava</b>			Black			
<b>Holster (pistol &amp; taser)</b>		Uniform patrol initial issue or approved duty holster				
<b>Shoulder Pads</b>	Various	Initial issue CDU shoulder pads ("POLICE" front and rear)	Black			
<b>Baton</b>	Monadanok	Tactical Baton	Black	Polycarbonate standard 26"	PR-24	
	Monadanok	Tactical Baton	Black	Aluminum standard 26"	PR-24	
<b>Patches/Name Tags</b>	MPD Patch	To be worn on left shoulder 1/4" below shoulder seam				
<b>Additional Equipment</b>		Military issue chemical agent mask				
		Riot face shield				
		Undershirt	Black			
<b>Accident Investigators</b>						
<b>Short/Long Sleeve Shirt</b>	Flying Cross		Medium Blue	Deluxe Tropical	95R6625	152R66250
	Flying Cross		Medium Blue	Deluxe Tropical	45W6625	102W6625
	Flying Cross		Medium Blue	Command	85R7845	176R7845
	Flying Cross		Medium Blue	Command	35W7845	12R7845
<b>Trousers</b>	Flying Cross		LAPD Blue	Polyester Wool Blend	32260	35260
	Flying Cross		LAPD Blue	Deluxe Tactical 6 Pocket	39300	39350
	Flying Cross		LAPD Blue	Deluxe Tactical 4 Pocket	39400	39450
	Flying Cross		LAPD Blue	Urban Defender 4 Pocket	UD3900	UD3933

# Uniform Itemized List

12/19/2008

Regulation Uniforms & Equipment						
Item	Brand	Style	Color	Model	Number	Number
	Flying Cross		LAPD Blue	Polyester 4 Pocket	32233	35233
<b>Summer/Winder Jacket Combo</b>						
	Flying Cross		LAPD Blue	Spectrum Ultimate	78140	79900
<b>Street Crimes Unit</b>						
	Shirts	Jackets	Tactical Gear	Accessories	D and Equipment	
<p>The standard dress code for the Street Crimes Officer will be neat, clean and professional; yet comfortable and adaptable to the working environment. Casual attire will be allowed to include jeans, tennis shoes, etc. Officers will avoid any offensive, ripped or stained clothing. Street Crimes Officer is authorized additional clothing, accessories and other identifiers as law enforcement to include the following:</p>	<p>T-Shirt/long sleeve shirts/polo shirts: with Missoula Police Department emblem and /or bold lettering identifying as "Police."</p>	<p>Raid Jacket: with concealable identifiers to be worn as quick layer over general dress code and allowing for quick identification as law enforcement as necessary.</p>	<p>Tactical Outer Carrier: high visibility with POLICE in reflective material on the front and back of the vest or outer garment having the capacity to quickly store all issued duty gear (i.e. radio, flashlight, multiple cuffs, taster, etc.)</p>	<p>Badge clip and chain, concealment holster, concealment cuff carrier and additional accessories as deemed necessary for performing duties as assigned.</p>	<p>Street Crimes Officers shall always wear badge, identification, and duty weapon and handcuffs when on duty. Officers will wear, ballistic vest and additional equipment as deemed necessary when conducting enforcement</p>	<p>All above equipment will be with the approval of the division commander.</p>

# Citizen Affidavit of Probable Cause & Request for Investigation

I, \_\_\_\_\_,  
(Legibly print name and job title [when appropriate])

\_\_\_\_\_  
(Address) (Work Place Name & Address ([when appropriate]))

\_\_\_\_\_  
(E-Mail, if available) (Home Telephone) (Work Telephone)

swear to the following facts and request that the Missoula Police Department investigate and file criminal charges against: \_\_\_\_\_  
(Suspect's name or detailed description and address, if known)

for the offense of \_\_\_\_\_ based on the following facts:

That on \_\_\_\_\_, at \_\_\_\_\_  
(Date and Time) (Location)

I observed the person named (or described above) do the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Describe each of your observations that you saw or heard that lead you to conclude the person committed an offense)  
**Please continue on a separate sheet of paper, if you need additional room!**

## In making this request, I understand the following:

1. This is an affidavit of probable cause and request for investigation and filing of criminal charges.
2. Criminal charges may be filed as a result of my request for investigation and filing of criminal charges.
3. If charges are filed, I must cooperate fully with Police and City/County Attorneys in any prosecution arising from the charges. This may require me to testify in Court against this person.
4. If my sworn statement is untrue, I may be charged with the offense of making a false report to a law enforcement officer in violations of Montana Code Annotated 456-7-205 (2003), or false swearing in violation of Montana Code Annotated 45-7-205 (2003).
5. If the allegations are untrue, or if the prosecution is not successful because I failed to cooperate with law enforcement or prosecutors, I may also be liable to any person charged and/or arrested for civil damages.
6. The Police and/or City or County Attorney's office will make charging and/or prosecution decisions.
7. This document is a public record.

\_\_\_\_\_  
(Signature) on \_\_\_\_\_ (Date)

Subscribed to and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public for the State of Montana

**(NOTARIAL SEAL)**

\_\_\_\_\_  
Notary's Printed Name  
Residing at Missoula, Montana  
My commission expires \_\_\_\_\_



# CITY OF MISSOULA VEHICLE CRASH REPORT

## Section 1. City Vehicle Information.

Drivers name		Department \Division	
Drivers License #		Vehicle Unit Number	
Supervisors Name		Supervisors Phone Number	
Vehicle Make		Vehicle Model	
Vehicle License Number		Vehicle Type Automobile\Pickup\etc	
Vehicle Year		Vehicle Serial Number	
Date of Incident Month\Day\Year		Time of Accident	
Number of Passengers			

Complete For Second City Vehicle Where Applicable  
(Use additional forms if more than two City Vehicles were damaged in this incident)

Drivers name		Department \Division	
Drivers License #		Vehicle Unit Number	
Supervisors Name		Supervisors Phone Number	
Vehicle Make		Vehicle Model	
Vehicle License Number		Vehicle Type Automobile\Pickup\etc	
Vehicle Year		Vehicle Serial Number	
Date of Incident Month\Day\Year		Time of Accident	
Number of Passengers			

Do any of the above Vehicles meet the definition of a Commercial Motor Vehicle as described in Section 390.5 of the Federal Motor Carriers Safety Regulations?       YES    NO

If you answered YES to the above question, please complete Section Six of this form. If you answered NO, Section Six is not applicable.

If you do not know if these vehicles meet the definition of a Commercial Motor Vehicle, please see the definition in Section Six of this form.

**Section 2. Other Vehicle Information.**

Other Vehicle 1.

Drivers name		License Plate Number	
Drivers Address	Street	City	State and Zip
Home Phone Number		Work Phone Number	
Insurance Policy Number		Insurance Company Name	
Vehicle Make		Vehicle Type Automobile\Pickup\etc	
Vehicle Year		Vehicle Serial Number	
Vehicle Model		Name of Insured if not Insured if not Driver	
Number of Passengers		Insurance Company Phone Number	

Second Vehicle if Applicable  
(Complete additional forms if more than two "Other Vehicles" were involved in this incident)

Drivers name		License Plate Number	
Drivers Address	Street	City	State and Zip
Home Phone Number		Work Phone Number	
Insurance Policy Number		Insurance Company Name	
Vehicle Make		Vehicle Type Automobile\Pickup\etc	
Vehicle Year		Vehicle Serial Number	
Vehicle Model		Name of Insured if not Insured if not Driver	
Number of Passengers		Insurance Company Phone Number	

Additional information concerning the "Other Vehicle". \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section 3. Damage-Wreck-Accident Information.**

Where this Damage-Wreck-Accident Happened

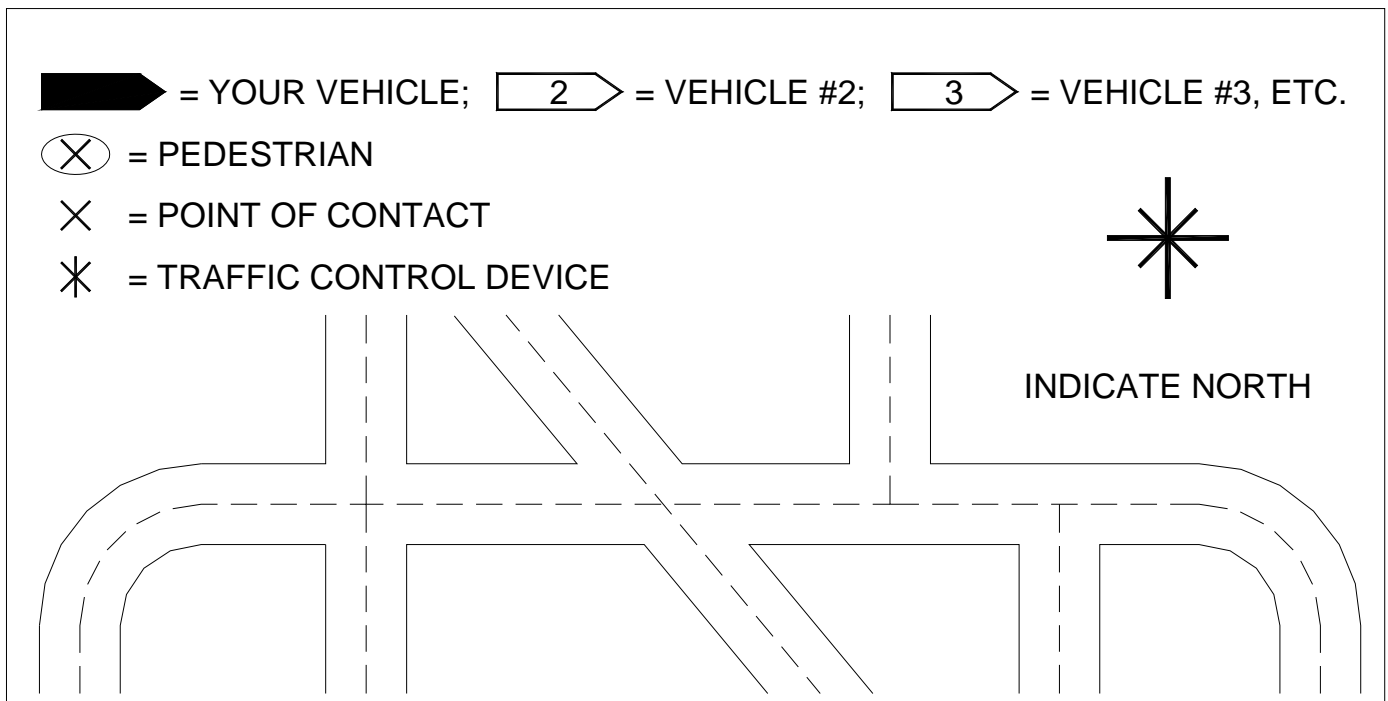
Exact Location where Damage-Wreck-Accident Happened	Street or Intersection	City	State
---	------------------------	------	-------

Please Diagram How the Damage-Wreck- Accident Happened.

- Show the directions and positions of all vehicles involved.
- Designate the Point of contact.
- Indicate the location of any pedestrians.
- Indicate the location of any traffic control devices.
- Write in street names.

**PLEASE DIAGRAM HOW THE ACCIDENT HAPPENED:**

- Show directions & positions of all vehicles involved
- Designate the point of contact
- Indicate location of any pedestrians
- Indicate location of any traffic control devices (signals, stop signs, yield signs, etc.)



**“X” ALL APPLICABLE SQUARES IN EACH SECTION:**

<b>Weather</b>	<b>Lighting</b>	<b>Road Surface</b>	<b>Road Description</b>
<input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Fog <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Sleet <input type="checkbox"/> Wind <input type="checkbox"/> Other	<input type="checkbox"/> Daylight <input type="checkbox"/> Dark <input type="checkbox"/> Dusk <input type="checkbox"/> Dawn <input type="checkbox"/> Dark – No Street Lights <input type="checkbox"/> Dark – Street Lights On	<input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Muddy <input type="checkbox"/> Snowy <input type="checkbox"/> Snow Covered <input type="checkbox"/> Ice in places <input type="checkbox"/> Ice Covered <input type="checkbox"/> Other	<input type="checkbox"/> Straight <input type="checkbox"/> Curve <input type="checkbox"/> Level <input type="checkbox"/> Downgrade <input type="checkbox"/> Paved <input type="checkbox"/> Unpaved <input type="checkbox"/> One Way <input type="checkbox"/> Two Way <input type="checkbox"/> 2 Lanes <input type="checkbox"/> 3 Lanes <input type="checkbox"/> Intersection

Driver’s Signature: \_\_\_\_\_

Date Completed: \_\_\_\_\_

**Section 4. Law Enforcement \ Police Report.**

Were the Law Enforcement Officers Called To The Incident Site?  YES  NO

Which Law Enforcement Agency Responded? \_\_\_\_\_

Investigating Officers Name: \_\_\_\_\_

Investigating Officers Badge Number: \_\_\_\_\_

Police Report or Law Enforcement Report Number: \_\_\_\_\_

Did the Law Enforcement Officers Issue Any Citations?  YES  NO

If yes, please indicate in the space below the names of the individuals given citations, and what they were cited for.

Name	Citation
_____	_____
_____	_____
_____	_____
_____	_____

Please Describe in the space below any other factors that contributed to this incident/crash.

\_\_\_\_\_

**Section 5. Injury And Property Damage.**

Were Emergency Medical Services Called to the Scene?                     YES                     NO

If Yes, Please List The Name Of The Medical Services That Responded In The Space Below:

\_\_\_\_\_

Please Record All Data Pertaining To Injuries Sustained In The Form Below:

Name	Address	Phone #	Nature of Injury

**Section 6. Commercial Motor Vehicle Requirements:**

**This section must be completed if the City Of Missoula vehicle(s) involved in this crash meet the definition of a Commercial Motor Vehicle as follows:**

A Commercial Motor Vehicle (CMV) means any motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—

- a. Has a gross combination weight rating of 26,001 pounds or more inclusive of a towed unit with a gross vehicle weight rating of than 10,001 pounds; or
- b. Has a gross vehicle weight rating of 26,001 pounds or more; or
- c. Is designed to transport 16 or more passengers, including the driver; or
- d. Is of any size and is used in the transportation of materials found to be hazardous for purposes of the Hazardous materials Transportation Act and which require the motor vehicle to be placarded under the hazardous Materials Regulations (49 CFR part 172, subpart F).

**Post Accident Review (To be filled out by Department Head/Supervisor).**

- 1. A Fatality – This means any injury which results in the death of a person at the time of the accident or within 30 days of the accident.    **Yes**  **No**
- 2. This accident is reportable (over \$1,500).    **Yes**  **No**

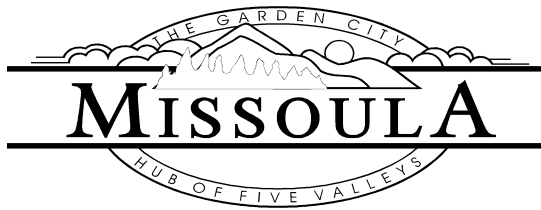
3. Disabling damage to a vehicle requiring it to be towed from the scene. Disabling damage includes vehicles that could have been driven, but would have been further damaged if so driven. Excluded from disabling damage is: Damage which can be remedied temporarily at the scene without special tools or parts, Tire disablement without the other damage (even if no spare is available), Headlight or Taillight damage, Damage to turn signals, horn, or windshield wipers which makes them inoperative.      **Yes**  **No**
4. This accident involved injuries that resulted in immediate medical treatment away the scene.      **Yes**  **No**
5. The employee was cited under Federal/State/Local Law for a moving traffic violation.      **Yes**  **No**

**If the City Of Missoula vehicle(s) involved in this crash meet the definition above for a “Commercial Motor vehicle, and you answered “yes” to any of the above questions the following is mandatory:**

1.                                **Within 2-8 hours employee tested for alcohol**
2.                                **Within 32 hours employee tested for drugs**

**Please take photos of accident scene and vehicles and have either a Department or Division Head report to the accident site.**

**A post accident work order and inspection was completed on (date) \_\_\_\_\_ to the City vehicle(s) involved in the accident. Dollar amount involved in this accident \$ \_\_\_\_\_. See City Shop WO# \_\_\_\_\_.**



# Missoula Police Department

## *Information about our Complaint Policy*

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The Missoula Police Department is committed to receiving and accepting complaints and compliments about the actions and performance of all our personnel. We believe the public is entitled to efficient, fair, and impartial service. We investigate all allegations of employee misconduct respond to inquiries about employee actions or department policy, and document all commendations received from the public.

We formally investigate allegations and inquiries for the following reasons:

1. *To protect citizens from misconduct by an employee;*
2. *To protect the department and those employees who conduct themselves appropriately;*
3. *To identify policies and procedure that may need review or change, and to find way to improve the quality of our service to the community.*

As a citizen, you are encouraged to contact the Police Department if you have a complaint about the actions of a police officer or other department employee or if you believe his/her conduct was inappropriate or that he/she has violated the law. The supervisory members of the department can answer questions about policies and procedures, laws and about the actions of department officers and employees. They can help you initiate a complaint against an officer or employee and conduct investigations of department personnel.

Although we encourage citizens to report employee misconduct, complaints must be made in good faith. False or highly exaggerated complaints serve no good purpose for either the citizens or the officer and only tend to thwart our complaint-taking process. Anyone who willfully makes any false accusation for the purpose of discrediting a police employee may be prosecuted under Montana Code Annotated 45-7-201 (Perjury) or 45-7-202 (False Swearing).

### **How to Begin:**

To initiate a complaint, compliment or inquiry you should contact the Police Department. The department is open from 8:00 a.m. to 5:00 p.m. (Monday through Friday) and may be reached by calling 523-4692. The office is located in City Hall at 435 Ryman Street. During non-business hours, if you need to make immediate contact concerning an inquiry or complaint, you may call the Police Desk at 523-4777 and ask to speak to the Shift Commander.

### **The Inquiry/Complaint Process**

1. Initial inquiries may be made by phone or in person to any Police Department employee. If they are unable to satisfy your inquiry, you will be referred to a Shift Commander. If the Shift Commander is able to satisfy your inquiry, the matter will be considered resolved. If not, your inquiry will be treated as a complaint and will require written documentation from you to proceed further.
2. You may mail or hand-deliver your written complaint on the Missoula Police Department Employee Complaint Form. Depending on the severity of the complaint, you may be asked to provide additional written or taped statements of your complaint with more detail concerning the incident and why you believe the officer's conduct is inappropriate.
3. Complaints should be made by the person aggrieved/wronged. Third party and anonymous complaints will be accepted, but please be aware that anonymous complaints can sometimes be difficult to investigate as an investigator may need additional information and the complainant may be the only source available. For this reason, please consider providing contact information when submitting your complaint. Complaints received from parents or legal guardians of aggrieved minors will be investigated in the same manner as a complaint received directly from an aggrieved adult.
4. Your complaint will be investigated in a timely manner and you will likely be contacted for an interview by the assigned investigator.

5. If your complaint is an allegation of criminal wrong doing, the investigation may be referred to an outside agency.
6. After completing the investigation and obtaining a preliminary finding, the investigation will be passed up the employees' chain of command for review. Upon concurrence, one of the following findings will be used to close the complaint.

**Findings:**

Unfounded	The investigation conclusively proved that the act or act complained of did not occur.
Exonerated	The acts that formed the basis for the complaint or allegation did occur, but were justified, lawful, and proper according to departmental policy or standard operating procedures.
Not Sustained	The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made.
Sustained	The investigation disclosed a preponderance of evidence to prove the allegation(s) made.
Inquiry	If during the investigation it is determined that a citizen is merely requesting clarification of a policy or procedure, that complaint, with the concurrence of the investigating supervisor's commanding officer, may be considered an inquiry.
Non Finding	The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation; or the complainant wishes to withdraw the complaint; or the complainant is no longer available for clarification. This finding may also be used when the information provided is not sufficient to determine the identity of the officer(s) or employee(s) involved.

7. If a complaint is sustained against an employee, appropriate action will be taken., The action may involve counseling, verbal or written reprimand, suspension from duty or termination. The investigator will call to inform you of the finding and you will receive a follow-up letter within 30 days.
8. In accordance with the law and to respect an employee's privacy, we cannot release what specific discipline was imposed on the employee.
9. If you are dissatisfied with the results, you may contact the Chief of Police or Mayor for information on a hearing with the Missoula Police Commission.
10. The Missoula Police Commission meets quarterly to review all complaints and compliments received by the department.

**Complaint Form Instructions**

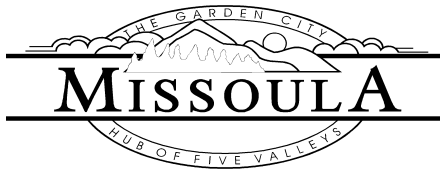
Please fill out the attached form completely and describe in detail the incident that led to this complaint. Please be clear and as specific as you can be and include as much information as possible. If you do not know the name(s) or badge number(s) of the employee(s) involved, please try and describe the individual to the best of your ability. If you need more space, please attach additional sheets as needed. Please type or print neatly.

Your statement must be accurate and true and you must sign it under oath before a Notary Public. A notary is available at the Police Department for no charge. You may mail or hand-deliver the complaint forms to:

***Missoula Police Department  
435 Ryman Street  
Missoula, Montana 59802-4297***

If you have further questions or need help, you may contact our office at 523-4692 (Monday-Friday 8am-5pm) or at 523-4777 (24 hours per day). Should you move or change phone numbers, please let the investigating officer know so he/she may be able to contact you when necessary. You will receive a letter advising you of our receipt of your complaint and an initial status update.





# Missoula Police Department *Employee Complaint Form*

Initial Complaint

Request for hearing by Police Commission

***Name of Complainant***

***Address (Street & Apt. #), City, State, Zip Code***

***Telephone Number(s)***

***Social Security #***

***Date of Birth***

***Date & Time of Incident***

***Location of Incident***

### **Statement of Complaint**

Please state in exact detail what occurred, names of all witnesses and police officers or department employees who observed the incident, name(s) of all officers or department employees who engaged in the alleged misconduct and what misconduct occurred, what injuries, if any, you suffered and all other facts related to the incident. Do not include unsubstantiated information such as gossip or rumor. Attach any reports or documentation, such as photographs, medical records, etc. which relate to the incident. Continue your statement on additional sheets of paper, if needed, and attach pages to this document.

I HEREBY REQUEST the Missoula Police Department investigate the conduct alleged in this complaint and take appropriate action, as authorized by law. Having been duly sworn, I hereby state under penalty of Perjury (45-7-201 MCA) or False Swearing (45-7-202 MCA) that I am the complainant in this complaint, that I have prepared, read and fully understand all matters set forth in this complaint, that this investigation as an official proceeding is confidential to the degree required by law and that all information provided in this complaint is true and complete, to my knowledge.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

SUBSCRIBED & SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public for the State of \_\_\_\_\_

County of \_\_\_\_\_

My commission expires: \_\_\_\_\_

**Departmental Use Only**

***Missoula Police Department Complaint Information***

**Date Received:** \_\_\_\_\_ **Related CFS #:** \_\_\_\_\_

**Status:** \_\_\_\_\_ **Investigator Assigned:** \_\_\_\_\_

**Type of Complaint:** \_\_\_\_\_  
(force, arrest, discrimination, slurs, criminal conduct, courtesy, conduct, procedure, service, harassment)

**Complaint Checklist**

- |  |   |
|--|---|
| <input type="checkbox"/> Initial Complaint Notice to Staff and Police Commission Chairperson | <input type="checkbox"/> Investigative narrative and additional statements attached |
| <input type="checkbox"/> Initial Complaint Reviewed  | <input type="checkbox"/> Staff Officer Review                                       |
| <input type="checkbox"/> Acknowledgement Letter to Complainant                               | <input type="checkbox"/> Complaint Resolved   |
| <input type="checkbox"/> Involved Employee(s) informed of complaint                          | <input type="checkbox"/> Involved Employee(s) informed of resolution                |
| <input type="checkbox"/> Investigation completed _____ days                                  | <input type="checkbox"/> Resolution letter sent to Complainant                      |

**Findings:**

- Inquiry
- No Finding
- Exonerated
- Not Sustained
- Sustained
- Unfounded

**Recommendations:**

- Department Policy Review
- Employee Counseling
- Employee Disciplinary Action
- Other (Specify) \_\_\_\_\_

**Final Action Taken:**

- Department Policy Review
  - Employee Counseling
  - Employee Disciplinary Action
    - Reprimand \_\_\_\_\_
    - Suspension \_\_\_\_\_
    - Termination \_\_\_\_\_
  - Other – Specify: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Synopsis of Complaint, Finding & Resolution:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

**Investigating Officer** \_\_\_\_\_

**Signature**

**Date Resolved:** \_\_\_\_\_

**Police Commission Use Only:**



MISSOULA POLICE DEPARTMENT  
INFORMANT AGREEMENT

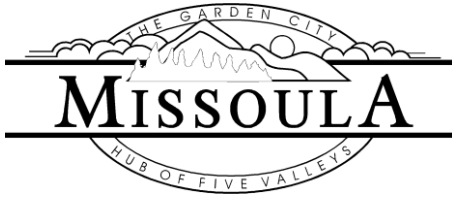
During my association with the Missoula Police Department as an Informant, I, the undersigned, do hereby agree to be bound by the following conditions and procedures while so associated:

1. I agree that I have no police power under the State of Montana or any local governmental subdivision and have no authority to carry a weapon while performing my activity as an Informant.
2. I acknowledge that I am associated with the Missoula Police Department as an Informant on a case or time basis as an independent contractor and that any payment I receive from the Missoula Police Department will not be subject to Federal or State Income Tax Withholding or Social Security. All reporting of income is the responsibility of the Informant.
3. I further acknowledge that as an Informant and independent contractor, I am not entitled to Workman's Compensation or Unemployment Compensation from the State of MT and I shall not hold Missoula County liable for any injuries or damage incurred by reason of my association with the Missoula Police Department.
4. I further agree not to divulge to any person, except the investigator with whom I am associated, my status as an Informant for the Missoula Police Department unless required to do so in court and shall not represent myself to others as an employee or representative of the Missoula Police Department.
5. I further agree not to use the Missoula Police Department or any of its officers as credit references or employment references unless prior approval is obtained from the investigator with whom I am associated.
6. I further agree that my association with the Missoula Police Department does not afford me any special privileges.
7. I further agree that after making a purchase of anything of evidentiary value, I will contact the investigator with whom I associated as soon as possible for delivery of such evidence to him.
8. I further agree to maintain a strict accounting of all funds provided to me by the Missoula Police Department as part of my activity as an Informant. I understand that misuse of county funds could be grounds for criminal prosecution against me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Informant \_\_\_\_\_

Investigator \_\_\_\_\_



**CITY OF MISSOULA  
AGREEMENT FOR PURCHASE  
OF SPECIAL EVENT POLICE SERVICES  
BY A GOVERNMENT ENTITY**

---

This agreement is entered into this \_\_\_\_\_ day of, \_\_\_\_\_, 20\_\_\_\_, by and between the City of Missoula, Police Department, in Missoula County, State of Montana, hereinafter referred to as “City Police Department” and \_\_\_\_\_ hereinafter referred to as “Secondary Employer” who is desirous of employing the services of City Police Department police officers.

In receipt of the mutual covenants and agreements herein contained, the parties agree as follows:

1. Secondary Employer is desirous of employing the police services of Missoula City Police Department police officers for the event described below.
2. The City Police Department agrees to provide \_\_\_\_\_ police officers and other necessary administrative resources to support those officers, for the purpose of City law enforcement services during the following event as described: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Secondary Employer agrees that it shall timely reimburse the City Police Department in the amount of the actual costs of salary for the officers as well as a percentage of that salary for purposes of Officer benefits and other administrative costs associated with over-time employment of the officer. The City Police Department shall bill Secondary Employer with 14 days of the conclusion of the event(s) described above and this bill shall be paid within 15 calendar days of the date of the bill.

4. Secondary employer agrees to deposit the amount of \$ \_\_\_\_\_ before the first day of the event and the amount deposited will be deducted from the final bill.
5. Secondary Employer agrees to provide liability insurance coverage in the amount of at least \$1,500,000 per occurrence and \$750,000 per claim for the City Police Officers and shall provide an insurance certificate to this effect and if possible, name the City of Missoula and its City Police Officers as additional insured's.
6. This agreement may be terminated and a pro-rata payment for services received shall be paid to the City Police Department. This agreement may be terminated by:
  - A. Mutual consent of the parties.
  - B. For Cause: Either party may terminate this Agreement in the event the other party fails to perform its obligations as described in this Agreement, and such failure has not been corrected to the reasonable satisfaction of the other in a timely manner after notice of breach has been provided to the other party.
  - C. The City Police Department, reserves the right to cancel this agreement at their discretion but only when the Officer(s) assistance is needed for patrol or other general police duties on behalf of the City of Missoula under emergency circumstances.
7. Indemnification-Secondary employer shall only assume responsibility, indemnification and defense of City of Missoula and any of its police officers for secondary employment conduct and activity in the limited instances where the secondary employer has provided instruction, direction, request for action and/or supervision to the city police officer during the secondary employment. Secondary employer's are recommended and urged to purchase and maintain general liability insurance in the amount of at least \$1,500,000.00. Secondary employer agrees that it shall be defend, indemnify and hold harmless the city and its police officers only with respect to any liability costs, damages, claims or causes of action that may arise as a result of performance of law enforcement related actions engaged in by the officers at the secondary employer's instruction, direction, request for action and/or supervision of the city police officer pursuant to the terms of this agreement.

The City of Missoula shall be solely responsible for providing workers compensation insurance for the police officers.

***In Witness Whereof, the parties hereto have caused this agreement to be executed the day and year first herein above written.***

**City of Missoula, Montana**

**Secondary Employer**

\_\_\_\_\_  
Chief Date

\_\_\_\_\_  
Business Name: (please print)

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Name of person signing contract: (printed)

\_\_\_\_\_  
City Clerk Date

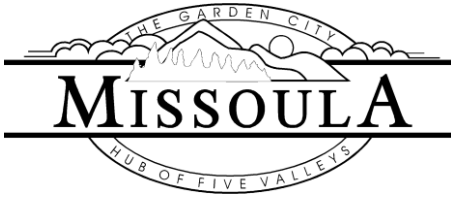
\_\_\_\_\_  
Signature of person signing contract & date

\_\_\_\_\_  
Address: (please print)

\_\_\_\_\_  
Telephone Numbers (cell, too, if applicable)

\_\_\_\_\_  
Employer Tax ID #:

\_\_\_\_\_  
City Business License #, if applicable



**CITY OF MISSOULA  
AGREEMENT FOR PURCHASE  
OF SPECIAL EVENT POLICE SERVICES**

---

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Missoula, Police Department, in Missoula County, State of Montana, hereinafter referred to as “City Police Department” and \_\_\_\_\_ hereinafter referred to as “Secondary Employer” who is desirous of employing the services of City Police Department police officers.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Secondary Employer agrees that it shall timely reimburse the City Police Department in the amount of the actual costs of salary, including over-time salary, for the officers as well as a percentage of that salary for purposes of Officer benefits and other administrative costs associated with over-time employment of the officer. The City Police Department shall bill Secondary Employer within 14 days after the conclusion of the event(s) described above and this bill shall be paid within 15 calendar days of the date of the bill, paid to the City of Missoula, City Treasurer’s Office.



4. The parties agree that while performing secondary employment, the officers shall follow the City of Missoula's Police Department policies, rules, regulations, procedures and standards in addition to the reasonable policies, rules, regulations, procedures and standards imposed by the Secondary Employer. Where there is a conflict of policies, rules, regulations, procedures or standards the City of Missoula's Police Department policies, rules, regulations and standards will take precedence the secondary employers policies, rules, regulations and standards.
5. Secondary employer agrees to deposit the amount of \$ \_\_\_\_\_ prior to the first day of the event and the amount deposited will be deducted from the final bill.
6. Secondary Employer agrees to provide liability insurance coverage in the amount of at least \$1,500,000 per occurrence and \$750,000 per claim for the City Police Officers and shall provide an insurance certificate to this effect and if possible, name the City of Missoula and its City Police Officers as additional insured parties.
7. This agreement may be terminated and a pro-rata payment for services received shall be paid to the City Police Department. This agreement may be terminated by:
  - A. Mutual consent of the parties.
  - B. For Cause: Either party may terminate this Agreement in the event the other party fails to perform its obligations as described in this Agreement, and such failure has not been corrected to the reasonable satisfaction of the other in a timely manner after notice of breach has been provided to the other party.
  - C. The City Police Department, reserves the right to cancel this agreement at their discretion but only when the Officer(s) assistance is needed for patrol or other general police duties on behalf of the City of Missoula under emergency circumstances.
8. The term of this agreement will commence upon endorsement by all parties and expire \_\_\_\_\_.
9. Indemnification - Secondary Employer shall assume full responsibility and completely indemnify and defend City of Missoula Police Department and it's police officer for liability for the Officer's work conduct and performance while working for secondary employer and shall maintain general liability insurance in the amount of at

least \$1,500,000. Secondary Employer agrees it shall defend, indemnify, and hold harmless the City Police Department and its employees with respect to any liability costs, damages, claims or causes of action which may arise as a result of performance by the officer (s) under the terms of this agreement; provided, however, that the City of Missoula will maintain workers' compensation insurance for the officer(s).

***In Witness Whereof, the parties hereto have caused this agreement to be executed the day and year first herein above written.***

**City of Missoula, Montana**

**Secondary Employer**

\_\_\_\_\_  
Chief Date

\_\_\_\_\_  
Business Name: (please print)

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Name of person signing contract: (printed)

\_\_\_\_\_  
City Clerk Date

\_\_\_\_\_  
Signature of person signing contract & date

\_\_\_\_\_  
Address: (please print)

\_\_\_\_\_  
Telephone Numbers (cell, too, if applicable)

\_\_\_\_\_  
Employer Tax ID #:

\_\_\_\_\_  
City Business License #, if applicable

# Missoula Police Department



## Secondary Employment Worksheet

Submitting Officer: \_\_\_\_\_

Officer in Charge: \_\_\_\_\_

Prospective Extra-duty Employer: \_\_\_\_\_ Phone#: \_\_\_\_\_

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

Event Organizer: \_\_\_\_\_ Phone#: \_\_\_\_\_

Description of duties to be performed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**New Request**

**Annual Request**

*Terms, conditions and expectations (to be completed by the officer applicant):*

\_\_\_\_\_  
\_\_\_\_\_

Starting Date: \_\_\_\_\_ Ending Date: \_\_\_\_\_

Hours officers needed each day: \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.

Number of officers requested per day: \_\_\_\_\_ Total number of hours: \_\_\_\_\_

Average Hourly Rate: \_\_\_\_\_ (Rate reflects average overtime rate plus cost of benefits)

Approved

Denied

Chief of Police (or his designee) \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Original Copy to Administration Yellow Copy to Event Organizer  
Charge

Pink Copy to Officer in Charge

# Shift Trade Authorization Form

**Officer:** \_\_\_\_\_

**Date Submitted:** \_\_\_\_\_

I would like to request a shift trade for the following dates (please include day of week and time):

\_\_\_\_\_

I will be changing shifts with: \_\_\_\_\_  
(Name of Officer Trading)

In return, I will work the following dates (please include day of week and time):

\_\_\_\_\_

**Signature & Badge # of Officer Requesting Shift Trade:**      **Signature & Badge # of Officer Agreeing to Shift Trade:**

\_\_\_\_\_

\_\_\_\_\_

**Approved by:**

\_\_\_\_\_

Date

Group\PD\Admin\Forms\Shift Trade Authorization Form (Word 2009)

# Shift Trade Authorization Form

**Officer:** \_\_\_\_\_

**Date Submitted:** \_\_\_\_\_

I would like to request a shift trade for the following dates (please include day of week and time):

\_\_\_\_\_

I will be changing shifts with: \_\_\_\_\_  
(Name of Officer Trading)

In return, I will work the following dates (please include day of week and time):

\_\_\_\_\_

**Signature & Badge # of Officer Requesting Shift Trade:**      **Signature & Badge # of Officer Agreeing to Shift Trade:**

\_\_\_\_\_

\_\_\_\_\_

**Approved by:**

\_\_\_\_\_

Date

Group\PD\Admin\Forms\Shift Trade Authorization Form (Word 2009)



## Missoula Police Department Supervisor's Use of Force Report

CFS# _____	Related CFS Reports: _____	
Date: _____	Time: _____	Charge (if arrested): _____
Suspect Name: _____		
Last	First	Middle
DOB: _____	Age: _____	Sex: M F Hgt: _____ Wgt: _____ Race: _____

Source of Activity: (Circle all that apply)      Observed    Radio Call    Citizen Call    Dispatched    Other: \_\_\_\_\_

**Conditions: (Circle all that apply)**

Mental	Foot Pursuit	Family Dispute	DUI	Assault On Officer
Business Dispute	Assault on Citizen	Vehicle Pursuit	Neighbor Dispute	Alcohol/Drugs

Other: \_\_\_\_\_

### Type of Force: (Circle all that apply)

<p style="text-align: center;"><u>Physical Force</u></p> <p><b>Impact Weapon and/or Less Lethal</b> ASP    PR-24    Flashlight    Bean Bag</p> <p><b>Pain Compliance:</b> Twist Lock    Wrist Lock</p> <p>Other:(Specify) _____</p>	<p style="text-align: center;"><u>Chemical Spray/Taser</u></p> <p># of Times Sprayed/Tased: _____</p> <p><b>Brand Name of Spray Used:</b> _____</p> <p><b>Distance from Suspect: (Circle one)</b> 1 Foot    2 Feet    3 Feet</p> <p><b>Duration of Spray: (Circle one)</b> 1 second    2 seconds    3 seconds</p> <p><b>Duration of Tase: (Circle one)</b> 5 Seconds    More</p> <p><b>Post Care Given? YES NO</b></p> <p>If "NO", explain: _____</p>	<p style="text-align: center;"><u>Injury</u></p> <p>Complaint of Injury?    <b>YES NO</b></p> <p>Nature of Injury: _____</p> <p>Medical Care?    <b>YES NO</b></p> <p>If yes, name of facility: _____</p> <p>Refused Medical Treatment?    <b>YES NO</b></p> <p>Photos Taken?    <b>YES NO</b></p>
---	---	--

Other: \_\_\_\_\_

Describe the last type of force that finally controlled suspect \_\_\_\_\_

**Indicate on body at right where injured:**

**Effects: (Circle all that apply)**

None Apparent	Attacked officer	Choking	Fell to ground	Coughing	Eye Closure
Continued Some Resistance	Increased Resistance	Stopped Resistance			

Other: \_\_\_\_\_

**Was suspect incapacitated? YES NO**

**Residual Effects on Officers: NONE CHEMICAL**

Injuries (resulting from)	Types:	A. Major (usually hospitaliz	B. Visible (not hospitalized)	C. No Complaint of Injury
Officer's Last Name:	Type of Injury	Description of Injury	Hospitalized? YES    NO	Complaint of Injury? YES    NO
Officer's Last Name:	Type of Injury	Description of Injury	Hospitalized? YES    NO	Complaint of Injury? YES    NO
Officer's Last Name:	Type of Injury	Description of Injury	Hospitalized? YES    NO	Complaint of Injury? YES    NO
Involved Officers:	Badge #	Involvement:	Division/Detail:	On Duty: YES NO In Uniform: YES NO
Involved Officers:	Badge #	Involvement:	Division/Detail:	On Duty: YES NO In Uniform: YES NO

Supervising Officer: \_\_\_\_\_ Supervisor Signature & Date: \_\_\_\_\_

**Distribution:** White: Division Captain    Yellow: Training Officer    Pink: Assistant Chief of Police